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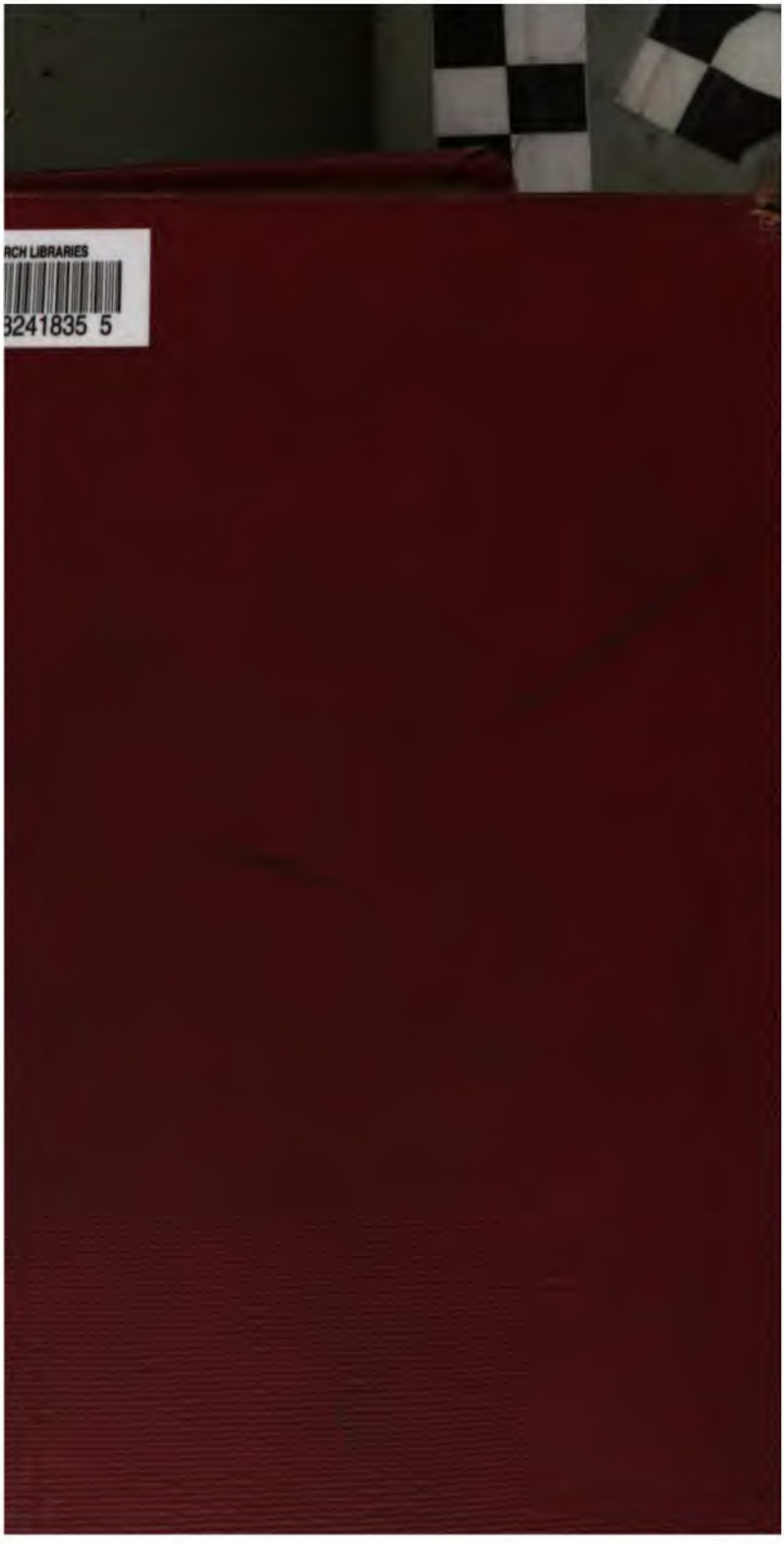
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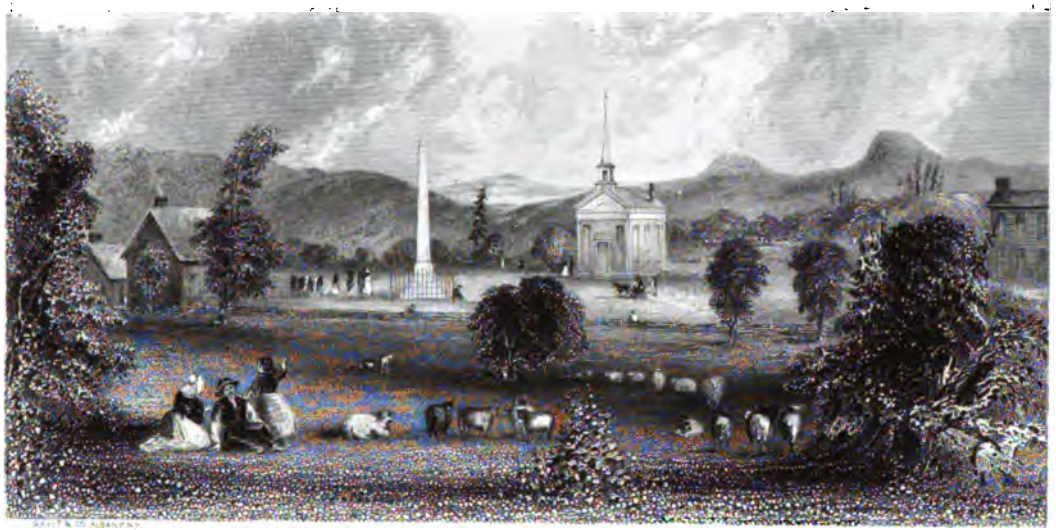
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THE

LIFE AND TIMES

OF

SILAS WRIGHT.

By R. H. Gillet,

Author of the "Democracy of the United States," and "The Federal Government, its Officers and their Duties."

VOLUME II.

ALBANY:
THE ARGUS COMPANY, PRINTERS AND PUBLISHERS.
1874.

Entered according to act of Congress, in the year one thousand eight hundred and seventy-four,

By R. H. GILLET,

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Banks of the District of Columbia.

The question of continuing the charters of the banks of the District of Columbia came up again at the second session of the twenty-sixth Congress. A bill for that purpose had been reported. To this bill Mr. Wright proposed the following amendment, which was objected to by Mr. Merrick.

"Sec. 2. *And be it further enacted*, That neither of the said banks shall, by virtue of anything in this act contained, be authorized to issue or pay out any note, bill, check or draft of any bank company, incorporation, association or individual, which said note, bill, check or draft shall not be payable and paid on demand in specie at the place where it is made payable; and any violation of this restriction shall be, *ipso facto*, a forfeiture of all the rights, powers and privileges conferred by this act, in the manner specified in the first section thereof, as to a failure of specie payments."

Mr. Wright explained his views in the following remarks:

"Mr. Wright did not desire now, at this late stage of the session, to occupy much time on the subject of these bank charters. He had very settled views in reference to proper charters for banking institutions, but it was not his intention to present them here. The proposition before the Senate, as now amended by the honorable Senator from Alabama [Mr. Clay], was simply to renew, or rather revise, the charters of these institutions, and extend them a sufficient time to enable a new Congress to act permanently upon the subject of banks for the District. He did not, in reference to legislation so temporary, wish to discuss the general subject of banking and bank charters. If he could see

simple provisions adopted which would make the institutions safe and their currency sound, for this short period, he should be content. Such was the provision and the object of the amendment of the honorable Senator which had been adopted, and such was his object in offering the amendment now under consideration, to prohibit these banks from paying out irredeemable paper. The amendment of the Senator was good, as far as it went, and made the banks specie-paying banks in terms, but it did not go far enough. If, while compelled to redeem their own notes in specie on demand, these institutions were permitted to issue and pay out at pleasure the notes of other banks, of railroad companies, and the like, which were not redeemable, and not redeemed, in specie, the specie-paying provisions of the honorable Senator would be useless in fact and in practice, though sound in principle and unexceptionable in form.

"Look at the banks of Maryland. He did not know that any of them were specie-paying banks now, even in form; but he had seen that, by a recent law of the Legislature of the State, they were all authorized to pay out the notes of the Baltimore and Ohio Railroad Company — a company which has no other power to issue notes, to circulate as money, than a blind and doubtful implication from the provisions of a charter intended simply to confer the power to construct a railroad, and which, assuming banking powers upon such a basis, he believed did not make its notes, even in form, payable on demand in specie, and certainly did not either so redeem them in fact or even make the pretense of doing so. With such notes for the currency of the banks of Maryland, of what use were specie-paying provisions in their charters? To the public, for whose benefit the banking powers were conferred or should have been conferred, none whatever.

"In reference to these District banks, the Senate was not without abundant experience. These charters had been several times extended since he had been a member of the body, and what sort of a currency had they commonly paid out? The notes of this very railroad company, the notes of the corporate cities of the District, and various other descriptions of irredeemable paper. Indeed, much of the currency which had been heretofore circulated by these banks was not in fact redeemed anywhere, and

could not be collected by law anywhere. It was the paper of incorporations declaredly insolvent, and as unable as apparently unwilling to pay.

"Were they, then, constituting specie-paying banks, with the right to issue and pay out such paper, with the right to furnish to the community such a currency? Would the Senate delude itself by so preposterous a supposition? But gentlemen urged that the banks ought to be permitted to take uncurrent and irredeemable paper upon deposit, and, so receiving it, to pay it out upon the checks of depositors. What broader power than this did the banks want, or could they wish, to enable them to transact all their business in irredeemable paper not their own? Certainly none. The moment this authority was given, nothing was to be done but to make their arrangement with the railroad company, or any other corporation or individual, for the use of a sufficient quantity of irredeemable notes, place them in deposit in the bank to the credit of its officers or clerks, and pay them out at pleasure upon their checks. Thus the banks would be in fact, what the Senate does not intend to make them, irredeeming banks of the worst character, — banks of issue of an irredeemable paper which they do not even promise to pay, nor make themselves legally liable to pay at any time or in any manner. Instead of issuing their own notes, which they are bound by the bill to pay on demand, and in gold and silver, they will merely issue paper which is not simply irredeemable but absolutely uncollectable.

"What was the honest and practical banking rule upon this subject everywhere? That a bank refuses to receive all paper which is uncurrent or not equal to its own, whether offered in payment or for deposit, or receives it at par? Surely not. It receives such paper at its value and gives credit for that value, not for the nominal amount. It is not the custom of solvent banks to receive uncurrent paper at par and pay it out again at par. The value of the paper is fixed before it is received, and the depositor has a credit for that value as for a deposit of current paper or specie. His own experience had been extensive upon this point. His residence was upon the frontier, where the paper of the Canada banks had always had an extensive circula-

tion, frequently as great as that of the banks of the States, and yet it never was current. All the banks upon the frontiers take that paper at its market value, either in payment or for deposit, the value being agreed upon when the paper is received; and none of them have ever thought, nor have the citizens, of going to the Legislatures of their States for authority to pay out this uncurrent foreign paper. The citizens would not endure such a law, because it would retain the uncurrent and depreciated paper among them and make it their exclusive currency. The sound rule takes it from them. It centers in the banks and is sent home for redemption.

"Is the practice under this sound rule injurious to the just interests of any of the parties? It seemed to him not. The depositor loses nothing, for he receives the *value* of his uncurrent paper. If he sustains loss at all, it was sustained when he took the paper for more than it was worth, or because it has depreciated in his hands, not because he sells it *for money* and for what *it is worth*. The bank loses nothing, because it merely pays the present value for depreciated paper. So far, therefore, the transaction is equal and just. How, then, is the great interest affected,—the community? Most beneficially. The uncurrent paper is taken from circulation, and its *value* in gold and silver, or in paper which is convertible into gold and silver, is substituted in its place as a part of the currency. The sound rule, then, is safe to all parties and essentially beneficial to the whole public. The mischievous operation of the opposite one—that of permitting banks to receive uncurrent paper upon deposit and again pay it out upon checks—has been glanced at, and the experience of the last few years, and the condition of the banks of the country at this moment, supersede the necessity of further remarks upon it.

"In but one way could this view of the case be obscured. It might be said, if the depositor were permitted to deposit his uncurrent paper as at par, and check upon the bank for it, he would sustain no loss. This might be true in fact and in practice, but it could only be so because the depositor would, by this legerdemain of legislation, be able to throw off his loss upon his creditors; and in that case, upon what class of his creditors would

the loss be likely to fall? Not upon the wealthy, for they would not receive his check payable at the bank in uncurrent funds in payment of their debts. They could command dollar for dollar and would have it. Upon what class, then? The laborers. They must have their pay to obtain bread, and the question of time with them was more material than that of loss upon depreciated paper. They *must* take the checks because they must eat.

"It was this very consequence which he wished to avoid, and he could not tolerate the idea that the wealthy were to have a deposit of spurious funds in the banks, out of which they were to be permitted, by the express terms of our laws, to compensate the poor for their sweat and labor.

"A desire for *special* deposits of this character seemed to exist. Permit them to any extent. As he understood special deposits, they may be made of anything; of plate, of valuable papers, of pictures, as well as of that which is called money, and in any shape are only to be returned to the depositor. In that shape let uncurrent and irredeemable paper be deposited, and he would not object to it. If there were those who wished to preserve such paper, he was not one of them, nor was he an enemy to them. If the vaults of a bank were requisite for the preservation, while he could not doubt the power of any bank in the world to receive such a *special* deposit and return it, he would be the last man to refuse the right, in legislating upon the subject; but to *check* upon *special* deposits was, to his mind, like a proposition to check upon the title deeds of an estate, upon family pictures or upon any other property of the like character. And the authority to check upon uncurrent money, as such, in deposit in a bank, was merely to ask general authority for the bank to issue uncurrent notes as a currency.

"His amendment did not interfere with the receipts of the banks. He would not, if he could, prohibit them from receiving, upon their own terms, any circulating paper, however uncurrent; but he would not, by his vote, permit them to pay out any other than a currency of gold and silver, or a currency of paper convertible into those metals at the pleasure of the holder. This was the *mixed* currency he was prepared to favor, and no other,

and this was a limitation of banking powers which he could not forego, for any time, or upon any consideration.

"If a different course could foster the true interests of the people of this District, about whose helpless condition they were accustomed to hear so much, and so eloquently delivered, from the honorable chairman of the Committee on the District, he was unable to see the legislation in that light, and, therefore, could not be a party to it. His impression had been that, if these institutions were to benefit the people in their currency, their most useful agency was to consist in the fact that anything which passed into them, in the shape of currency of an uncurrent character, was never to pass out from them in the same character. In this sense the utility of banks was to him apparent; but if they were to be mere institutions for the issue and circulation of uncurrent and irredeemable paper, to circulate as a currency, he should be ready to deny their utility, and to consent to their perfect termination at the earliest possible period. If banks were to be revived for this declaredly poor District, which should be authorized by our law to flood the markets of the District with a paper called money, which mortal man cannot collect anywhere, and anyhow, he must be pardoned for refusing his assent to their existence for an hour, much less for months or years.

"His impressions had ever been that one of the most useful offices of sound banks was to take the uncurrent paper of the bad ones, and of the other irredeemable incorporations and associations, as well as individuals, from circulation, and to substitute a currency of *value* in its place. If this was not to be so in future, he should be compelled to call upon the friends of banks for some further grounds for their utility before he could favor them.

"His earnest object was to give these banks life for the shortest period, which would fairly enable the new Congress to act permanently upon the whole subject, and to have that brief life given upon principles which could be sustained in the permanent action, and which, in any event, would not compromit his settled views upon the great question involved.

"Mr. Wright said, if the words 'on the payment of his check' were stricken out, he did not think the amendment would

amount to anything, and, therefore, he should not oppose it. He was as willing that the banks should take irredeemable paper on special deposit as the honorable Senator could be, but he did not wish to see it paid out again. Now, just see the effect of the honorable Senator's amendment—and he would detain the Senate but for a moment. Suppose that he, as a business man, deposited $10,000 of irredeemable paper with these banks, and he then gave his check to a friend for $5,000, and another check to his honorable friend for the residue of the $10,000, was not this a distribution of that irredeemable paper amongst the community, as much as if it were paid out by the banks? But what did the honorable Senator tell them? Why, in effect that the charters were good for nothing without the privilege. But would they call it a special deposit, and yet direct that it should be paid out on his check? Why, it would thus become as general a deposit as can be made in a bank. If it were made as a special deposit, it must be returned identically to the depositor; but the moment they authorized it to be checked upon, they authorized it to become the currency of the country."

Mr. Clay, of Alabama, proposed the following proviso, which Mr. Wright accepted, and his amendment was adopted without a division.

"*Provided*, That nothing contained in this section shall prohibit either of said banks from receiving the paper of any non-specie-paying bank on special deposit, and returning the same to the depositor on his check."

In this form the bill passed the Senate, and was sent to the House, but was not acted upon there at this session.

CHAPTER XC.

PERMANENT PROSPECTIVE PRE-EMPTION LAW, AND DISTRIBUTION OF LAND PROCEEDS.

A simple pre-emption law in favor of settlers on the public lands, who should inhabit and cultivate the same and erect a building and reside thereon, commanded general favor and met with limited opposition. Distribution had not secured general approbation. At the second or short session of the twenty-sixth Congress, it was sought to connect the two measures together, so that the popularity of pre-emption might carry with it distribution. The pre-emption bill, as reported, contained no distribution provision. On the 21st of January, 1841, Mr. Crittenden moved to recommit the bill, with instructions to report a bill for distribution. This motion was elaborately discussed. Mr. Crittenden animadverted, at great length, upon the measures of the administration. Mr. WRIGHT addressed the Senate as follows:

"Mr. WRIGHT said it would be unnecessary for him to say that he had not power to answer the remarks of the honorable Senator from Kentucky who had just taken his seat [Mr. Crittenden]. He, Mr. WRIGHT, had been too long there, and was too well known in that body, to attempt to follow the lively course of remark — the keen and cutting satire of the honorable Senator from Kentucky. His was a more plain and humble part — that of facts so far as he understood them, and of argument so far as he was able to bring arguments to bear on those facts. He confessed he was unexpectedly called upon to address the Senate in immediate reply to the Senator from Kentucky. The Senator on his right [Mr. Buchanan], to whom the appeal had been more particularly directed, had yielded the floor to him for a particular purpose, he not being prepared, as he, Mr. W., was not, without examina-

tion into the facts, to answer the remarks which had been made on the subject of certain items of public expenditure.

"He should discuss but one single topic, first briefly noticing, and very imperfectly, some of the remarks of the honorable Senator from Kentucky. But first it was due to himself that he, Mr. Wright, should offer his humble apology for an interruption of the honorable Senator; not that it was noticed by the Senate, but because it was discourteous on his part. Still, it was a compliment to the gentleman's powers as a debater; for it was an interruption which nothing could have drawn from him but the rapidity and force with which he was rushing to conclusions calculated to carry his hearers along with him, and to lead the Senate, as Mr. Wright thought, to erroneous impressions upon the points he was discussing. Hence the interruption, for which he sincerely asked his pardon. [Mr. Crittenden courteously remarked, in an under tone, that apology was wholly unnecessary.] Mr. Wright continued: The honorable Senator then told the friends of the present administration they had attempted to sneer at the now dominant party. Now, if he had said or done anything which should seem to have given the honorable Senator just cause for such an imputation, he had said and done what he had not intended to say or do. He, Mr. Wright, now stood in a minority in the country, and he had been called upon, on various occasions since the meeting of the Senate, to say that he desired to demean himself with all becoming modesty and humility in that unfortunate condition; but yet he might say to the honorable Senator, while that honorable gentleman was presenting to them 1,200,000 votes on his side, as too large a body to be sneered at, that 1,100,000 freemen, as a minority, might look and smile, though they should not sneer. He admitted that the administration, which was to come in on the fourth of March next, came in by a vastly larger vote than any which had preceded it; and he would tell those gentlemen — and he did it with feelings of kindness — that they came in, in the face of a minority, in numbers and proportion, much more powerful than any previous administration ever yet met. Let, then, on all hands, the admonition of the honorable Senator be looked to; for while it does not belong to the minority to sneer, the majority

have not advantage enough to swagger. The great sea of public opinion cannot bear deep agitation, without some danger of a change of power, when the difference between the contending parties is so small, and a change of ten per cent may easily be wrought against him who dares excite this immense mass of mind, even upon the surface. Let all, then, look well and carefully to their measures and to their policy. He took the reproof, or desired to do so, with which the honorable Senator had favored himself and party; and he would be very glad to profit by it. At the same time, he wished to impress the honorable Senator and his friends with the palpable truth that a strong party must do right or be overthrown. He appeals to the public judgment of the freemen of the country. Mr. Wright cheerfully acknowledged the propriety of the tribunal and its perfect jurisdiction, while he believed the representatives of majorities might be sometimes wrong, and that constituent majorities were easily changed by overconfidence on the part of their representatives and by consequent measures having more reference to interests and classes than to our entire constituency.

"Another position of the Senator, in the course of his interesting argument, was that they (the present majority), 'as a dying party, upon the last stage of their condemned term,' were endeavoring to do — what? To occupy the ground of the future administration and to forestall its measures. Was that so? Had the history of this very short period, in which they had had the pleasure of sitting together, warranted such a charge? They had, it was true, introduced the measure under discussion — a pre-emption bill, a prospective pre-emption — and this, it was true, in that respect, was a novel feature in a settled policy of the retiring administration. What were the great measures of policy, as he believed — for no man could speak with any certainty on the subject — which were looked to by the whole country as the measures of the coming-in administration? A destruction of the system of finance of the present administration was, he supposed, the most prominent. Were they (the present administration) responsible for presenting that? He knew the other honorable Senator from Kentucky would discharge them from such an accusation, for he would feel honored

in acknowledging that he had himself called upon them (the present majority) to undo what, with intentions as pure to their country as those which govern the gentleman opposite, they had done. He, Mr. Wright, complained not; yet, surely, they ought not to be charged with attempting to forestall the measures of the coming-in administration. Thus far, the resolution to repeal the law establishing an independent treasury for the country was thrust upon them almost as soon as they were in their seats, and from one of the great leaders of the opposition to that strictly constitutional and truly republican measure.

"Next, as to this proposed distribution to the States of the proceeds of the public lands. Was not that looked upon everywhere as one of those measures which would be favorite and prominent with the coming-in administration, and as a measure against which the existing administration was known to have sustained an immovable opposition? Were they, then, to be charged — and he would observe, if he should appear to speak warmly, that he spoke with no unkindness — were they to be charged with bringing this measure before the Senate, and, by acting upon it, with forestalling the measures and policy of the new administration? Certainly not. The honorable Senator from Kentucky [Mr. Crittendên] would concede that it was through his agency, and not through the agency of any friend of the present administration, that this question has been forced on this body and calls for its action and its judgment.

"Taking the facts, then, as they stood, were the friends of the administration chargeable with forestalling the policy of the triumphant administration which was now so near? It had seemed to him that they were not. There were many other remarks of the honorable Senator which he might notice, but he would return to the question before the Senate for the purpose of discussing briefly the single point which had called him to the floor.

"The proposition before the Senate was to recommit the bill to the Committee on Public Lands, which had reported it, with instructions to report a bill to provide for the distribution of the proceeds of those lands to the States, as a part of the instructions proposed. The point he wished now to discuss related to this part of the instructions; and although, at the commencement of

the debate, he had proposed to himself to discuss this whole subject of distribution, his present intention was to examine one single ground upon which the policy of distribution was urged.

"He had been persuaded to take this course, at this time, because he had seen the short period which remained for the transaction of business during the present session of Congress, the press of business to be done, and the great anxiety of the peculiar friends of the pre-emption bill for its passage.

"This should control his present action; but if the debate should take a different direction, or if he should retain a seat in the Senate, and a future occasion should arise, in consequence of a future prosecution of this policy, he might then claim the privilege of giving his sentiments at large upon the proposed measure in all its aspects.

"At the present time he would consider but one of the arguments by which it was supported in the country, and in the minds of a portion of the constituency of the present Congress. He referred to its connection with what is familiarly known as the tariff, or to the protective policy of the country. It must be known to many of the members of the two Houses of Congress, that with a large portion of the people of the New England States, and he believed the same thing was true as to portions of his own and other States, this policy of the distribution of the proceeds of the lands was popular, not so much from any love to the appropriation and application of these proceeds, as from a wish to have that amount, whatever it might be, subtracted from the treasury, that there might be an occasion to increase the duties on imports to an equal amount. This idea, if indeed it did prevail in the tariff States, must, it would be seen at once, rest upon the supposition that the more duties there were imposed upon imports, the more protection must be afforded to domestic manufactures or products coming in competition with the imports thus burdened with duty. Is this a sound inference? He was aware the inquiry was addressed to those Senators who represented States favoring the protective policy. He was not sure the position was sound or practical, but it seemed to him to be both. He was also sensible that it might, at the first impression, strike the minds of the Senators from the anti-tariff States as

being an argument, if it had any force, in favor of the policy of the distribution. He entreated all to listen to the suggestions, and to take time to weigh them well, before they should be made the foundation of official action upon either side of this important question.

"When, then, does a duty commence to be protective? Is it so, either to our manufacturer or our producer, while the foreigner has the entire and exclusive possession of our market, for the sale of his manufactured article or foreign production? All would say no. The duty, under such a state of things, might fill the public treasury, but it could not, in any possible sense, protect any domestic interest. The operation of the tariff of duties must commence to be exclusive and prohibitory before it can begin to be protective. It must, to some extent, shut the foreigner from our market, and open it to the domestic manufacturer and producer, before its protective features can be at all valuable; and when this process once commences, the farther it is carried in its exclusive and prohibitory action, the more protective is the tariff under which it takes place.

"But what may be the effect upon the revenue of this protective action? In the precise proportion in which it is exclusive and prohibitory, it must diminish the revenue upon imports. In other words, as far as any tariff shall be protective in its action and effect, just so far it must be a tariff not the most perfectly fitted for the purposes of revenue. That tariff which is best adapted to the purposes of revenue, by itself considered, must be that which promotes the greatest amount of importations and the greatest amount of revenue combined. That tariff which is best adapted to the reasonable purposes of protection is the one which shall place American and foreign interests of the same character upon a par in our own markets, and this is the least which the tariff interests can desire.

"Try, then, the policy of this measure with these interests. It is now proposed to separate from the treasury, to give away, the revenue from the lands, our principal source of internal revenue, and that for the purpose of affording an opportunity to impose higher duties where protection is desired. This is acting upon the principle, not simply that the higher the duty the greater will be

the protection, but also that the higher the rate of duty the greater will be the amount of revenue received. A single reflection will convince any one that this will be true only while the foreigner has the exclusive possession of the market, and, by necessary consequence, the duty is not protective at all. If the high rate begins to exclude the foreigner and let our own produce or manufactures compete with him in the market, the question of revenue immediately becomes incidental, and its amount will depend, regardless of the rate of duty, upon the advantage which the state of trade and of the market gives to the foreign or the domestic parties at any given period. If the protective influence shall predominate, the foreigner will be driven from the market and the revenue will fail. How, then, is it to be supplied? Most clearly, if impost be the only resort, by a reduction of the rate of duty, until the foreigner can again come into the domestic market upon grounds of advantageous competition. In other words, by taking from the tariff its protective and giving it a revenue preponderance. Can there be a doubt that this must be the principle of action in all such legislation?

"How, then, is the principle of protection to be preserved, consistently with its action? By giving away or destroying all our sources of internal revenue, and making our treasury wholly dependent upon imposts? Or by fostering and preserving every source of internal revenue, so far as the state of the treasury will permit, that when our tariff for revenue shall, by the course of trade or exchange, or national policy, become protective, we may preserve it so, and not be compelled to reduce our rates of duty to invite the foreigner into our markets, to undersell our own citizens, that our treasury may be sustained from the duty to be imposed upon the importations?

"The proposition now under consideration is to give away to the States — to take from the national treasury — our richest source of internal revenue, the proceeds of the sales of the public lands, an amount of from three and a half to four millions of dollars annually, and to throw that treasury exclusively upon a revenue from customs for dependence and support. This, too, is proposed to be done at a time when the whole revenue from lands and customs is not equal to the payment of the ordinary expenses

of the government. And why is this strange policy to be adopted? Why is this most stable source of revenue to be cut off and given away in gratuities, when we are borrowing money to pay the expenses of the nation?

"Among other grounds assigned for the strange policy, one is that he had mentioned — to favor the protective policy by making the occasion for increased duties upon imports. Could it be necessary for him to say more to show that this ground was not sustainable — that this policy would be suicidal to the interests it was advocated to protect? It seemed to him not. The proposition was too plain to admit of amplification. Duties, to be protective, must be, to a greater or less extent, exclusive and prohibitory; must have a tendency rather to diminish than to increase revenue, by giving a fair portion of the market to domestic products and manufactures, to the exclusion of foreign; and when there is a deficiency of revenue from imposts under such a system, it must be supplied from internal sources, or the protection must be surrendered, the duties reduced, greater advantages given to the foreigner in our market, and the importations be thus increased. Under our system, the internal sources of revenue are the proceeds of the lands, excise, and direct taxation. Give away the former, and who expects a Congress will ever be found to resort to either of the latter to raise revenue, when it can be raised by duties on imports? Who will believe that excise or direct taxation will ever be imposed to save a protective tariff? No man acquainted with the feelings of the people, or the action of legislative bodies elected by the people, would indulge such a hope.

"Our sources of internal revenue, then, which do not spring from taxation, must be preserved and fostered, or a protective policy cannot be independently pursued.

"Take the articles of wool and woolens, the great northern and eastern interests. So regulate the tariff that American wool holds the market against the foreign article, and that American cloths can enter into the consumption of the country in fair competition with the foreign, and then experience, as at this time, a deficiency of revenue, that arising from an immense public domain having been taken from the treasury and given to the States. What are you to do? Will higher duties produce more

revenue? Not in the case supposed; for when the competition is even, or balancing in favor of the domestic interests, more duties will be prohibition, and, while protection may be rendered perfect by such legislation, all revenue will be lost. You must reduce the duty then, and thus invite importations to raise your revenue, and, having no other resource, the policy would be compulsory.

"It is a mistake, then, to assume that this measure will necessarily favor the protected interests and the protective policy. It may injure both. It is a mistake to suppose that forcing the treasury to an exclusive dependence upon revenue from imports will secure the system of protection. It may destroy it. The treasury of the nation must be supplied; and if such imports as are consistent with the system of protection do not yield the requisite revenue, the protection must be yielded to the necessity for revenue.

"There is another consideration, growing out of the policy of making the treasury dependent upon a revenue from imports alone, which deserves the serious examination of all, before it shall be adopted as the policy for our country. Where will rest the control, both as to our supply of revenue and the protection of our domestic interests under such a policy? Will it be in the hands of Congress or in foreign hands? Congress can invite, but Congress cannot compel importations. Those great interests which regulate the trade of the world govern our importations; and they are, at all times, subject to the influences of foreign interests and foreign policy, as well as our own. Make the treasury of the nation exclusively dependent upon these importations, and it too must be equally in subjection to the same influences. The protective features of our tariff become, in their operation, injurious to some important interest of a country with which our trade is extensive, and produce a desire on the part of that country to change our rates of duty. Our treasury is solely dependent upon revenue from imports, and by consequence proportionably dependent upon importations from the country in question. It stops its trade with us. Our revenue falls off, and our treasury is made empty, while we are told, reduce your rates of duty, and the suspended trade shall be renewed and extended. Can Congress regulate this attempt to control our policy by a

foreign power? By a countervailing policy it can; but that will not produce revenue or fill our treasury; and, if our sources of internal revenue be destroyed, or given away, can only be adopted and sustained by a resort to direct taxation. What, in such a case, would be likely to be done? Would our system of protection be adhered to or our duties be reduced? If we have the land revenue to supply the treasury, the countervailing policy will be likely to govern us; but if it is to be resorted to at the expense of direct taxation, protection will be very sure to be yielded and the treasury supplied by a reduction of our rates of duty. In short, if we place our treasury in a condition to be exclusively dependent upon customs, our policy must be to invite importations, to burden them as lightly as possible, lest they are turned into other channels; to make the trade of foreigners with us as profitable as possible, that they may consent, through its means, to supply our treasury.

"Can considerations such as these fail to convince the tariff interests in our country that they are not fostered by giving away our sources of internal revenue, and forcing ourselves into a state of entire dependence upon foreign trade for the supply of our national treasury? It seemed to him not.

"Nor could this view of the operation of this distribution, properly considered, render the measure, or the policy, more acceptable to the anti-tariff interests. They desire the least possible amount of duties consistent with a healthful and certain revenue, and it is admitted on all hands that the distribution to the States of the land revenue will produce the instant necessity of an increase of duties to the full extent of the money taken from the treasury for distribution. Whatever, therefore, may be the effect upon the protective policy, the influence of the measure upon the free-trade principle cannot be equivocal.

"These suggestions had been hastily and crudely given, and yet he hoped he had sufficiently developed his views to enable the members of the Senate to understand him. It was to them he desired to address himself upon this point. They would reflect upon the ideas he had thrown out, and he knew they would allow them all the weight they deserved, if indeed they should be found to deserve any.

"He would take up but a very few moments more of their time in briefly replying to some other observations of the Senator from Kentucky. If he understood that honorable Senator — and he begged him to believe that he did not wish to misunderstand him — he said that the present administration had spent $135,000,000 in the four years of its term; and that upon roads, harbors, canals, ships, fortifications, etc., there had been expended but $9,000,000.

"He, Mr. Wright, had not the means at hand to examine this matter, but he believed in the four years they had been in the habit of passing bills annually for fortifications of from $500,000 to $1,000,000; for the navy of from $5,000,000 to $6,000,000, including a permanent appropriation of $500,000 to be exclusively expended for the increase of the navy, separate from the support, repairs, and the like, as well as sundry large appropriations for steamships; for harbors, large appropriations, nearly annually, if not entirely so; though for roads and canals he was happy to know little or nothing had been done, because he considered all such expenditures by this government wrong in principle and impolitic in practice. [Mr. Crittenden said, in justice to himself, he should explain that he did not include the repairing of ships, and the pay of the officers and men, but the mere building of ships.] Mr. Wright had understood the Senator to speak simply of the ships, and not of the pay, but he supposed he had intended to include rebuilding, repairs and similar expenditures.

"Well, then, the Senator said there were some $126,000,000 which had been expended within four years, and how expended? Why, expended in pursuance of appropriations made by themselves (Congress), and for that whole period they had had the honorable Senator's watchfulness and guardian care over them constantly; and he believed he did that honorable Senator no injustice when he said that, if he had seemed to feel more dissatisfied at one time than another with the votes of him, Mr. Wright, it was when he voted against appropriations. Still, he admitted there might have been abuses practiced in expenditures; he was not prepared to say there had not been; but he said cheerfully, what the honorable Senator from Pennsylvania [Mr. Buchanan] said yesterday, he challenged investigation,

not in a spirit of triumph, but with a patriotic feeling toward the country and its interests. If there had been abuse, let exposure and punishment be visited upon the guilty; on him, if he were the man; on his best friend; on any man, whoever he might be, in this vast nation, who had embezzled the public money, who had squandered it improperly, or who had been unfaithful in a pecuniary trust. He again said examine, but examine with justice and truth. That was all the favor he asked; and he now appealed to that great party, for some of the members of which he cherished a feeling bordering on friendship, to do to their opponents justice — to tell the truth of them — and to punish them only when they should be found, after careful and fair examination, to deserve it. The papers and records were soon to pass into their hands, and the means for investigation would be ample. Let not the desire to find fault be paramount to the obligations of truth and justice.

"Another subject has given employment to the honorable Senator's talent for satire in no stinted measure. He referred to the Senator's *sedentary* army of militia, which the President is said to have organized to prosecute the Indian war in Florida.

"Previous to the late elections the honorable Senator and his party told a very different story touching the military designs and propensitites of the President. Then his purpose was a '*standing* army' of 200,000 men — militia, it is true — to be used, not to subdue the murderous Seminole, but to prostrate the liberties of this free country, to break down the Constitution and the Union and establish a military despotism upon the ruins.

"He, Mr. Wright, could not forget this startling ground of the opposition during the late contest, because he had then, as now, constantly found himself contending upon this point before meetings of the people, and then as now, too, as the result had proved, contending against antagonists who were more than a match for him. Then the President was a fearful despot, a tyrant, and — through the instrumentality of our neighbors, our friends, our fathers, brothers, sons, the militia of the country converted into a *standing army*, not of regular soldiers with their permanent officers, but of *militia* — was to destroy the liberties of this, our beloved land, and to rule our 16,000,000 of

people as a military despot, supported and sustained by these 200,000 citizen soldiers!

"What is the President now? In what frightful aspect does the Senator present him to the country on this day? As imbecile in the extreme; as to terminate an Indian war of some four or five years' duration, which has baffled the efforts of our whole gallant little army for that entire period, by means of a *sedentary army* of SIX HUNDRED men, — a corps of sedentary *militia* of that formidable number.

"Of one thing he, Mr. WRIGHT, hoped he might now assure himself, and that was that this new army of 600 *sitting* men would not frighten from their propriety the great party of which the honorable Senator was so distinguished a member, nor render them inconveniently uneasy in regard to the safety of the liberties of the country; most especially so when a few weeks must terminate the command of their present chieftain.

"Look at these positions. That man who, on the first days of November, was to cleave down the liberty of the people by a standing army of militia, was now, in January, to defend the country by 600 men, whose duty it was to sit, not stand, and who were limited to an employment within twenty miles from the place on which they sat. Now, he thought there was a little extravagance in all this; and he could not believe, after all, that there would thereby be much added to the expenses of the government. [Mr. Crittenden read the order of Gen. Reed, to which he had referred, but the reporter could not obtain a copy. Of the authority of the order, Mr. C. said he knew nothing. It had been placed in his hands, and was a publication from a newspaper.] Mr. WRIGHT had only referred to the matter because it had been introduced by the honorable Senator. He thought it wholly irrelevant to the subject before the Senate, and was not disposed to consume further time about it. What he had learned from the remarks of the gentleman, and the extract he had read from an unknown authority, constituted the whole of his information upon the subject. He had never before heard of even the existence of this militia force, this sitting army; and he certainly did not desire to extend remarks upon a subject about which he knew nothing.

"A word upon another subject. The honorable Senator complained that there had been a wanton expenditure of money for supplies for the army in Florida and the Creek and Cherokee countries; that provisions had been purchased for high prices, which were not used; and that they had been sold at public auction for low prices. These might be facts. The Senator read from a printed document which he, Mr. Wright, had never seen, but which he presumed was good authority for his positions. Did it follow, however, that the present President was in fault in the matter? Did it follow, by necessity, that any person was in fault; and if any person, would it not be more just to state who was the officer in command, who had charge of the purchases spoken of, and under what public agent the property had been thus sacrificed?

"There had been a period in our history, if he was not mistaken as to facts, when provisions purchased for the use of our armies, at a dearer rate even than those referred to by the Senator, had been piled together and burned, to furnish light for a distinguished retreating general from a retreating enemy; and yet, neither the general nor the administration under which he served was condemned, either for the military achievement or the loss of the public property. This did not take place, as his memory told him, upon the south-western, but upon the *north-western* frontier, and not during the Florida war, but the war with England of 1812–15.

"Had the officer in charge of this property in the Indian country pursued this course; had he, instead of his auction sale, burned the supplies, and made a precipitate retreat, the administration he served, as well as himself, might have been spared these sharp censures. He, however, as Mr. Wright believed, had accomplished the duty assigned to him, and was ready to dismiss his force to their homes, so far as they were militia, and to other services, so far as they were regulars, and the supplies not being wanted at the station where they were, and transportation being the principal ingredient of their cost, he took, whether wisely or not, the expedient of a public sale at auction rather than that of a second transportation. If the prices paid at the sale were low, the loss was the greater, but it was not a total

loss; nor was the property consumed to furnish a light, not for a pursued, but retreating general. He thought, therefore, he was authorized to say that if the entire public loss in the one case was not cause for censure upon the general, but rather for his greater elevation, the partial loss in the other could not be a broad ground for the sweeping condemnation of a whole administration."

This subject was again up on the twenty-seventh of January, when Mr. Wright again addressed the Senate. The debate was continued until the second of February, when Mr. Crittenden's motion was voted down, ayes 22, nays 29. The original pre-emption bill was then passed, ayes 31, nays 19.

"Mr. Wright said he would occupy a single moment to explain the singular state of facts before the Senate, and to put himself right in the matter, as he could not hope, at this or any other time, to fulfill the expectations which the conversation now going on was likely to excite here and out of doors. It had been his intention to take part in the discussion of the question now before the body, but he did not know, until yesterday, that the honorable Senator from Kentucky [Mr. Clay] was desirous to follow him, or again to address the Senate in the course of this debate. A private conversation between himself and the Senator, on that day, had notified him of both facts, and he had then manifested the willingness he then and now felt to accommodate the distinguished Senator upon both points.

"Still, the discussion, in the course of that day, seemed to him to take a wide departure from the question before the Senate; and with the collateral matters thus drawn into the debate he had little, and did not wish to have anything more to do. His object had been to obtain the floor when they should have been disposed of, and he had refrained from making the attempt for this day, because it was expressly intimated to him that other Senators desired to occupy a part or the whole of it in a continuance of the discussion of those collateral topics. He had not, therefore, come to his seat with an expectation of addressing the Senate to-day; and being reluctant to throw himself upon its

attention at any time, he was much more so when he was consciously unprepared to offer the views he wished to present. Yet rather than see the day consumed, for the purpose of affording him time for preparation, and be, in the meantime, the declared object of that delay, he would now enter upon the task he had designed to attempt, and would ask the Senate to extend to him its patient indulgence, while he should pass, as briefly as he might, over his too voluminous notes.

"He had not desired, if he could have avoided it consistently with his sense of his public duty, to address the Senate at all upon the great question which now occupies its attention, or indeed upon the bill to which the proposition now under consideration relates; but occasions had arisen, in the course of the wide discussion, when that duty seemed imperative, and now he would endeavor to perform it with as little consumption of time as possible.

"What is the proposition immediately before us? It is very simple, and may be perfectly intelligible to all who will try to understand it. It is to take from the permanent revenue of the country, at a time when that whole revenue is confessedly inadequate to meet the wants of the treasury, from one-fifth to one-quarter of its whole amount, and to give it away, so far as the national government and its treasury are concerned; to do this at a time when no proposition to supply the deficiency of revenue to be thus caused is directly and practically before either House of Congress; and to do this, under these circumstances, within five weeks of the close of an annual session of Congress.

"This was presenting the question of a distribution of the land revenue to the States in a manner in which it had never before been presented to his mind, at least, and he believed in a manner and under circumstances which had never before attended its presentation to Congress or to the country.

"In the course of the debate, much had been said of former propositions of this character, and the high authority of distinguished statesmen had been quoted in favor of the policy. In favor of it, how? By thus giving away the public revenue when the treasury of the people is in want? No. But by discharging that treasury from an inconvenient, a vicious and a dangerous

surplus; and by doing that in a constitutional mode, in obedience to the will of the Constitution-making power of the country. He would go back to the first of these high references, in point of time. A distinguished Governor of his own State (Dewitt Clinton), now deceased, had been quoted as favorable to this policy. Favorable to it at such a time as this, and in this shape and way? No, sir. Favorable to it by way of relieving the treasury from a surplus, expressly reserving any opinion as to the competency of Congress to make the distribution under the Constitution as it is, and expressly referring to the source of all power, the people themselves, as the proper tribunal to settle all doubts upon that point by an amendment of the Constitution. Expressions of a subsequent Governor of his State, and of its Legislature, had also been made matters of reference in favor of the policy; but all these expressions would be found accompanied by the same reservations of an opinion as to our constitutional power even to distribute a surplus, and the same references to one great source of power for authority to carry out the measures thus equivocally recommended.

"The late President Jackson had also been repeatedly quoted as a friend to this distribution policy, and quotations from several of his early messages had been read to the Senate to show his views. This was fair as to him and fair as to the question. But what were his views as thus given by himself, — to distribute the revenue when the treasury was in want? No, far from that. They were to relieve the treasury from a surplus. And did he express the opinion that Congress possessed the constitutional power to make the distribution? No. So far from it, he expressly, in his first message in which the subject is mentioned — and an extract from which was, but a few days ago, read to the Senate — recommended an appeal to the people to amend the Constitution to reach the object. In that same message, in conformity with his professed principles and uniform practice, he says these appeals should be made in all cases where a reasonable doubt exists, and the exercise of a power not expressly granted is supposed to be desirable. He considers such appeals not dangerous to any sound policy, but healthful and salutary in their very nature. And why did he favor a dis-

tribution at all? He tells us it was because the country was then threatened with a surplus revenue; that when the national debt should be fully paid such a surplus must accumulate, unless our revenue laws were materially modified; and that he did not anticipate that the public opinion would sanction modifications so sudden and extensive as would be required to bring the revenue within the wants of the treasury. His only object was to devise a safe and constitutional mode of disposing of that surplus which did accumulate from 1834 to 1837, and which brought upon the country many of the evils under which it suffers to this day, and upon this government the very extravagances in expenditure of which his political opponents had so loudly and perseveringly complained; but he did not propose even the distribution of so mischievous a surplus, without an amendment of the Constitution which should expressly confer the power to do it.

"The high authorities, then, to which reference had been made, were not authorities for the proposition now before the Senate. They had proposed to distribute surpluses only, not current revenue of which the treasury was in daily want; and even such a distribution as they suggested was always with them a question of constitutional power, which they proposed to refer to the sovereign people, the source of power under our system. It was that question, prominently, which he proposed to discuss; and he would proceed to that discussion, merely remarking that he felt most sensibly his inability to conduct the argument as its importance required. The consciousness of this fact had, from day to day, deterred him from making the attempt, until further delay might be, on his part, a criminal neglect of a high duty. That he might now have the attention of the body, as far as their great patience would permit, gentlemen would pardon him for saying that he believed, in his heart, if he could do justice to the facts and the fair conclusions from them, this would be the last occasion upon which the word 'distribution,' in the sense in which it is here used, would be heard in the halls of Congress, under our present Constitution, and with an empty treasury. Now to the discussion.

"His first proposition was one which he was sure would not be controverted from any quarter. It was, that all the powers of

Congress rest upon and are derived from the Constitution of the United States, and that it has no single power which is not granted by that instrument.

"His next proposition involved the great point in controversy, and must be disputed, or he trusted the distribution policy would be abandoned until the constitutional power to adopt it should be conferred. He would state it, as follows: The power conferred upon Congress by the Constitution over the money derived from the sales of the public lands, and constituting the proceeds of those lands, which the proposition before the Senate declares shall be distributed to the States, is identical with and in no way different from the power of Congress over all other money and property of the United States, however derived, or in whatever shape existing, within the exclusive control of Congress.

"He found but two provisions of the Constitution material to the fair and full discussion of this broad proposition, and those he would read in the order they were found in the instrument. The first was in article first, section eight, clause first, and in these words:

"'The Congress shall have power to lay and collect taxes, duties, imposts and excises; *to pay the debts and provide for the common defense and general welfare of the United States;* but all duties, imposts and excises shall be uniform throughout the United States.'

"His reading of this provision of the Constitution was that the power 'to lay and collect taxes, duties, imposts and excises' was given to Congress *for the purpose of paying the debts and providing for the common defense and general welfare of the United States.* He knew a very different reading had been sometimes contended for, and that the second clause of the sentence, instead of being a limitation upon the powers granted in the first, had been supposed to confer distinct and separate powers of itself. Under this construction, the reading would be to give Congress power 'to lay and collect taxes, duties, imposts and excises,' and power 'to pay the debts and provide for the common defense and general welfare of the United States.' It was not his present object to enter into a discussion of the correctness or incorrectness of either of these constructions, but simply to state what he believed to be the correct reading, as he had done. Nor was he

now to enter into argument of any sort in relation to this 'general welfare' clause of the Constitution. He too well remembered the volumes which had been written upon the subject, without accomplishing any other purpose than to show the radical difference in the rule which governed the two great contending political parties in construing that instrument, from which all the powers of this government must be drawn. To his mind, the clause was not a grant of power at all, but an express limitation upon the powers conferred by the clause which immediately precedes it; and he believed this, at the present time, was a much more universally received opinion of the country than at a former period. In any event, if there should be advocates for the distribution of the proceeds of the public lands who seek the power to pass a law for that purpose in this general welfare clause, it will be for them to show that giving money from the common treasury to the separate States, to be expended upon objects exclusively of a State character, is, in fairness of language and intendment, to provide for 'the general welfare of the United States,' in their united capacity, as contradistinguished from the individual States as sovereign and independent governments and communities, and which, as such, constitutionally hold their separate general welfare in their separate and independent keeping.

"The other clause of the Constitution to which he had referred was the second clause of the third section of the fourth article, in the following words:

"'The Congress shall have power to *dispose of* and make all needful rules and regulations respecting *the territory, or other property belonging to the United States;* and nothing in the Constitution shall be so construed as to prejudice *any claims of the United States, or of any particular State.*'

"The power here conferred is over the 'territory or other property belonging to the United States'—terms as broad as could have been used to include everything which is *property*, and belongs to the United States, while the word 'territory,' instead of lands or public domain, clearly shows that that single enumeration of a single description of property had not reference to the public domain simply, in the common acceptation of those terms as used by us, but was intended to embrace all lands and soils 'belonging to the United States,' however and wherever

situated, for whatever use and purpose held, and however acquired — *all territory.* The power conferred is identical over the 'territory' and over the other 'property,' and it is to 'dispose of' both, and 'make all needful rules and regulations respecting' both. The grant of power is as broad as the terms 'territory' and 'property;' and the whole grant is alike applicable to both and either, and to every part and parcel of each. Who, then, shall say that this provision of the Constitution gives to Congress a power over the public domain of the country which it does not give over any other property of the United States? That it authorizes Congress to give away the public lands, and does not give the same authority to give away the public money? That it confers the power to distribute to the States, for their separate use, the money in the treasury arising from the sales of the public lands, and does not confer the same authority to distribute in the same manner, and for the same purposes, any other money in the treasury belonging to the United States, from whatever source derived? That it authorizes the distribution of the proceeds of the public domain, usually so called, and does not authorize a like distribution of the proceeds of any other portion of the 'territory' of the United States? That the lands can be sold to raise money for distribution, and not the fortifications, ships, arms and any other like 'territory' and 'property' belonging to the United States? That the property of the country, as contradistinguished from its money, may be made a fund for distribution by a sale and conversion into money, while the money itself required to purchase the property cannot be so distributed? That all *money* in the treasury, and belonging to the United States, from whatever source derived, is not as much 'property belonging to the United States,' as 'the territory or other property' mentioned in this constitutional provision, and as much subject to the power of Congress, therein granted over 'the territory and other *property*,' either for distribution to the States, or for any other application or expenditure?

"He would not for a moment suppose that contradictions of this character could be contended for by any Senator; and he must, therefore, suppose that the only ground upon which this

proposed distribution of the proceeds of the public lands was to be advocated and defended, was that the deeds of cession of the public domain from the States to the United States laid the foundation for a 'claim' to such distribution upon some principle, and thus brought the proposition within the terms of the last clause of the constitutional provision last referred to, in the following words: 'And nothing in this Constitution shall be so construed as to prejudice any *claims* of the United States, or of any particular State.'

"That this policy is urged under this clause of the constitutional provision is made more probable from the fact that its advocates have usually referred to the cessions from the States, and the payment of the debt of the Revolution, as facts upon which the right to the distribution on the part of the States, and the authority to make it on the part of Congress, were both to be rested. It would be necessary, therefore, to examine the deeds of cession, and see whether they furnished any foundation for 'claims' on the part of the States, or any of them, within the meaning of the provision of the Constitution above quoted, or of a power on the part of Congress to satisfy such 'claims' in the way proposed.

"Upon this point his examinations had induced him to come to the following conclusion, and he now stated it in the form of a proposition.

"The deeds of cession from the States, of that part of the public domain held by and under those cessions, do not contain anything which gives the States, or any of them, 'claims' to those portions of the public lands, or to the proceeds thereof, which do not equally exist against all other 'territory or property belonging to the United States;' nor do those deeds of cession contain anything which confers upon Congress any other or different power over the ceded lands, or the proceeds from the sales thereof, than that possessed, by the grant of the Constitution, over 'the territory and property belonging to the United States' acquired in any other manner.

"A brief reference to the cessions would establish this proposition. The States which made cessions under the Articles of Confederation, and before the adoption of the Constitution, were

five in number, and the order of the cessions, in point of time, were as follows: New York, deed of cession executed 1st March, 1781; Virginia, deed of cession executed 1st March, 1784; Massachusetts, deed of cession executed 19th April, 1785; Connecticut, deed of cession executed 13th September, 1786; South Carolina, deed of cession executed 9th August, 1787.

"All the deeds of cession above enumerated were executed by the delegates representing the States named in the Congress of the Confederation, and in conformity to laws passed by the Legislatures of the respective States, conferring the powor upon their delegates in the Congress to make the cessions for them respectively. He had carefully examined those State laws, and the deeds executed by their authority, and had found that, in the terms of the grants and the estates conveyed, the authority thus conferred upon the grantors had been carefully followed. It would not be necessary, therefore, for him to make a reference to the laws. One to the deeds executed under them would be sufficient. And here again his references might be materially abbreviated, as he found all the grants substantially following either the form adopted by New York or that adopted by Virginia, and extracts from those two deeds would show the nature and character and extent of the estate conveyed in all the five cases.

"Before he read the extracts it would be profitable to make a remark, that the peculiar language of the deeds might be more fully understood and rightly appreciated. There was, at the time of these cessions, no Union, but a simple Confederation, an alliance of the old thirteen States. The common government was called a Congress, but it was more like a Congress of nations than like the present Congress of the United States. All the States, however represented, were equal in that body, and it had no power to act coercively, either upon the States or the people of the States, in the raising of revenue, or the imposition of taxes of any character. When money was wanted for the purposes of the common government, the Congress determined the sum to be raised, apportioned it among the States according to a rule established in the Articles of Confederation, and called upon each State to raise its proportion in its own way, by virtue of its own

taxing powers, and through the agency of its own affairs. If these facts are borne constantly in mind, the language used in the deeds of cession will be perfectly intelligible.

"The State of New York did 'cede, transfer and forever relinquish, to and for the only use and benefit of such of the States as are, or shall become, parties to the Articles of Confederation, *all the right, title, interest, jurisdiction and claim* of the said State of New York to all lands and territories to the northward and westward of the boundaries to which the said State is in manner aforesaid limited and restricted, and to be granted, *disposed of* and appropriated in such manner only as the Congress of the said United or Confederated States shall order and direct.'

"The Legislature of the State of Virginia, in the act authorizing and directing the cession, enact that the lands ceded 'shall be considered a common fund for the use and benefit of such of the United States as have become, or shall become, members of the Confederation, or Federal Alliance, of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever;' and her delegates in the Congress, in obedience to that act, 'transfer, assign and make over, unto the United States in Congress assembled, for the benefit of the said States, Virginia inclusive, *all right, title and claim*, as well of soil as of jurisdiction, which the said commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying and being to the north-west of the River Ohio, to and for the uses and purposes, and on the conditions, of the said recited act.'

"Such were the terms employed and such the estates granted by the States of New York and Virginia, and the other three States named followed substantially the one or the other of these forms in their cessions subsequently made. All the five States granted all they had, all they owned, and all they '*claimed*,' in the lands ceded by them respectively, and what was that? It was, at most, the sovereignty, the jurisdiction of government, and, as appurtenant to these, the right to purchase the lands from the Indians. Perhaps it would be more technically proper to say

that the States granted the soil, the fee, of the land, with the sovereignty and jurisdiction, and the appurtenant right to purchase the possessory interests of the Indians. The substance is the same, however, as each State granted all it had, 'all its right, title, interest and *claim*,' in the language of the deeds.

"Is there, then, in any of these deeds, any condition of reversion — any specific appropriation of the proceeds of the lands, with remainder over to all or any of the States? None whatever. The grants were 'for the *only* use and benefit of such of the States as are, or shall become, parties to the Articles of Confederation;' 'for the benefit of the said States, Virginia inclusive;' and the proceeds were to be 'a common fund for the use and benefit of such of the United States as have become, or shall become, members of the Confederation, or Federal Alliance of the said States,' the granting State inclusive, 'according to their usual respective proportions in the general charge and expenditure.' The States, under the Confederation, paid their respective proportions of the charge and expenditure of the common government by States, and each was to receive from the proceeds of the ceded lands a share exactly in proportion to its share of the common charge. In other words, its proportion of that charge, to be raised by taxation upon its own citizens, was to be diminished by its proportion of the proceeds of the lands, which proceeds were to be a 'common fund' for the benefit, in that way, of all the States, parties to the alliance. The common government, the Congress, was to 'dispose of' the lands, but for that purpose, *and no other*. Such was the state of things under the Confederation.

"The difficulties about these lands retarded the consummation of the Confederacy. The States which did not claim any of the ceded lands, as within their limits, did claim a common right with the other States in them, contending that they were not the separate property of certain States, but a part of the royal domain of the British crown, won by conquest in the war of the Revolution, at the common expense and peril of all the States, parties to the war, and that they were thus, of right, made the common property of all. The State of Maryland, though as active and patriotic in the prosecution of the war as her sister States, did

not subscribe to the Articles of Confederation until the day of the date of the New York deed of cession, standing out exclusively upon her claim to a common right in these lands.

"The Constitution was formed in 1787, subsequently adopted by the States, they being the same States which were parties to the Confederation or Federal Alliance, and consequently to the deeds of cession, and the new government went into operation on the 4th of March, 1789. Still the cessions were imperfect. The States of North Carolina and Georgia, claiming large portions of the western lands as within their respective chartered limits, had made no cessions to the common government. They did, however, subsequently cede, not to the Confederation but to the Union, at the following dates: North Carolina, deed of cession executed 25th February, 1790; Georgia, deed of cession executed 16th June, 1802.

"The deeds from these two States were in all material respects, so far as this argument is concerned, similar to those executed by the five States before named. They, like the other deeds, contain no reversionary clauses, no specific applications of the proceeds of the lands with remainders over to the granting States, or any other; but expressly declare the ceded lands 'a common fund' for the benefit of the Union to which they ceded.

"The fact that these States had not made cessions at the time of the formation of the Constitution may, and probably does, account for the insertion in that instrument of the clause last above quoted, 'and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.' What has been before said will show that other States did claim a common right in the unceded lands, not as their individual and separate property, but as the property of the nation, — of the Confederation before the Constitution, of the Union afterward. Still, the ceding States claimed them as their several property, and hence the language, that the Constitution should not 'prejudice any claims of the United States or of any particular State.' If this conjecture be well founded, the deeds of cession from these two States put at rest forever the 'claims' referred to, of all the parties interested, by the surrender and

relinquishment on one side and the acceptance and satisfaction on the other.

"Be that, however, as it may, there is not, upon the face of any of these deeds, any ground for 'claims' in favor of any or all of the States against the United States, beyond the obligation upon the latter to administer the common fund constituted by the cessions for the common benefit of the whole Union, and the right of the former to have it so administered. Whatever may have been the powers of Congress over this fund, under the Confederation, it is not now material, as the parties to the Confederation are the same parties which formed and adopted the Constitution, and voluntarily merged the old in the new government, with new and different and defined powers. The Congress under the Constitution cannot look behind that instrument for either powers or prohibitions, not even to these deeds of cession, or to any other act of a single State or of the confederated States. If it possess any power over this common fund constituted by the deeds of cession, that power must be found in the Constitution, and be exercised in obedience to its provisions. This will be admitted as to the two cessions made subsequent to the Constitution and to the Union; and no man has ever yet been found to contend that the different portions of the ceded lands are subject to different rules of disposition, or that the powers of Congress over them are different. Still, it is worthy of remark, in this connection, that the power conferred by all the deeds of cession was 'to dispose' of the lands, and the power conferred by the Constitution is 'to dispose,' etc., of the 'territory or other property' of the United States.

"It is said, however, that these lands were, in fact, ceded to pay the debt of the Revolution; and, that debt being paid, that there is an equitable right in favor of the States to a reversion of the funds, or to the remainder of the proceeds, for their individual and separate use. Indeed, so confidently was this opinion entertained by one honorable Senator, and he too a distinguished lawyer [Mr. Crittenden], that he had, upon a former occasion, said he verily believed, if a suit in chancery could be instituted against the government, the States would obtain a decree for the retrocession of the lands or a distribution of their proceeds.

"Had this assumption that the lands were ceded for the specific purpose of paying the debt of the Revolution any foundation in fact? The assumption, so far as he had been able to ascertain its foundation, was rested upon the resolution of the old Congress, of the 10th of October, 1780. That resolution was in the following words:

"'*Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress of the sixth day of September last, shall be *disposed of* for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the federal Union, and have the same rights of sovereignty, freedom and independence as the other States; that each State which shall be so formed shall contain a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit. *That the necessary and reasonable expenses which any particular State shall have incurred since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within and for the defense, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed.* That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States, in Congress assembled, or any nine or more of them.'

"Here is a promise of a specific appropriation of the proceeds of the lands, or other means, for a certain object, namely, to reimburse the States the necessary and reasonable expenses incurred by them, after the commencement of the war, in subduing British posts within the ceded territory—in maintaining forts and garrisons within and for the defense of the ceded territory, or in acquiring any part of the ceded territory. These items of expenditure were made claims in favor of the States against the United States, but not claims upon the lands particularly. They were to be claims in favor of the particular States incurring the expenses against the common treasury, and might be paid from the proceeds of sales of the lands, or from any other means, as the United States should choose. The cessions were not to be made conditional and dependent upon the payment of these expenses, and no such condition is found in any one of the deeds of cession. Yet this was a sort of specific obligation connected with the cessions, but not to pay the debt of the

Revolution, or any portion of it, which was a charge against the common government. It was simply an obligation to pay certain specified expenses which had been incurred during the war, by particular States, in acquiring the land or in defending it.

"While, then, this resolution furnishes no ground for the assumption that the lands were ceded for the specific purpose of paying the debt of the Revolution, with any legal or equitable reversion to the States, or remainder over in the proceeds after the payment of that debt, it does furnish, in this very stipulation to reimburse to the ceding States all the expenses incurred by them in acquiring and defending the lands, the strongest circumstantial evidence that no such reversion or remainder, either equitable or legal, was contemplated, and that no other obligation or indebtedness was contracted by the common government to the States than that mentioned and directly assumed. That obligation has been long since discharged. Those expenses of the States were assumed and paid by this government, together with their separate debts contracted to carry on the war of the Revolution, and both together formed a part of that mass of national debt which this government has finally paid. No *claim*, therefore, in favor of any State, can now be sustained upon this part of the resolution, and none other of a pecuniary character was incurred by it.

"The deed of cession of Massachusetts makes express reference to this resolution, and declares that the cession of that State is made in conformity with it. A reference is made in this resolution to a recommendation of Congress of the 6th of September, 1780. That is a report and resolution adopted in consequence of certain instructions from the State of Maryland to her delegates, respecting the Articles of Confederation, and containing a declaration as to her common rights in the lands, the act of the Legislature of the State of New York authorizing her cession, and a remonstrance from the State of Virginia, upon the same general subjects, all before Congress at the same time, and all referred to the same committee of the body, which made the report, and proposed a resolution, by way of recommendation to the States here referred to. This report and resolution is no other way important to this discussion than to show,

as part of the history of the period, that the cessions from the States were urged, not so much on the ground of the pecuniary benefit to be derived to the common government, as to promote harmony among the States, to perfect the alliance and bring into the confederation the State of Maryland, which State declined to subscribe to the Articles of Confederation in consequence of differences about these lands. A reference to this report was to him a matter of the highest gratification, as it presents the State which he has the honor in part to represent here, foremost in the exhibition of that patriotic liberality which did finally perfect the alliance, cement the union of the States, and lead to the glorious consequences, the blessings of which we now enjoy.

"Nothing, however, is found in any of these proceedings upon which to found the assumption that the cessions were made for the specific object of paying the debt of the Revolution; but, on the contrary, the report and both resolutions rebut that assumption directly, and exhibit other and higher objects as moving the States to those grants — objects connected with the harmony of the States, the union of the States, and, consequently, with their success in the fearful struggle which was to determine the question of our independent existence as a nation. He felt authorized to conclude, therefore, that this assumption had no foundation in fact, and could not be sustained by the history of the transactions; and, it failing, the assumed rights of reversion or remainder in the States to the lands, or their proceeds, supposed to flow from and rest upon it, must fall with it.

"Still another ground is assumed, however, and that is, that an *equitable* right to the net proceeds of these lands, after the payment of debt of the Revolution, results in favor of the States, notwithstanding there are not, in the deeds of cession, or in any of the proceedings on the part of the States or of the United States, any terms or conditions of reversion, any reservations of remainders, or any specific application of the fund to the payment of that debt. This broad assumption of an equity would require examination in various aspects.

"The first step in this examination would seem to him to be to inquire to what parties this *equitable* reversion or right, not claimed as matter of law, or of fair legal inference from the

deeds, but as a general *equity*, without specified foundation, would inure, in case the right should be recognized? Could it be to any other parties than those making the grants? He thought not. It was found that there was no reversion in terms, and no remainder reserved, either to the ceding States, or to all the States, and the claim was one of mere equity, without legal foundation, and said to result from the conveyances. Could such a claim *result* to parties not known, not thought of, not in existence, at the time the grants were made? He admitted the right of any grantor of an estate to secure remainders and reversions to any parties he might choose, whether in existence or not at the time of the grant; but he could not conceive of a resulting *legal* right, much less of a resulting *equity*, to an entire stranger to the conveyance, to one of whose existence the grantor had not a thought, and toward whom there could have been no intention of making the grant. The claim is that of a mere legal or equitable consequence. It is rested upon the assumption that the estate conveyed was a mere trust, that the trusts have been fulfilled in the payment of the debt of the Revolution, and that, in the absence of other express provision, a reversion, legal or equitable, follows. Follows to whom? To what parties? To any but the grantors? Certainly not. It was competent for them to have secured remainders and reversions to whatever parties they pleased; but it is admitted that they did not do so to any parties, by the terms of their grants. If, therefore, any such resulting right can be sustained, it must be in favor of the seven ceding States only, and upon the principle that whatever remains from an estate granted, beyond the full purpose and object of the grant, as well by legal as by equitable consequences, reverts to the grantor. In other words, what is not granted is retained, and when the grant is satisfied the remainder, if any, rests where it did before the grant.

"If this position be wrong, and the deeds of cession are susceptible of a construction which will make this equitable remainder or reversion inure to the benefit of all the States, yet the claim assumes that the lands have been a mere trust in the hands of the federal government, a trust to repay the debt of the Revolution simply; and that the remaining or reversionary claim in

favor of the States is one exclusively equitable, there being neither the specific application of the fund nor the resulting right expressed in the grants. In this sense the equity must, of course, be claimed from the trustee, subject to all equitable demands against the estate in his hands. How, then, will this claim, interposed in favor of the States, to the proceeds of the public lands, stand, upon a fair adjustment of accounts between the trustee and the *cestuis que trusts*, — between the United States, which have held and managed the fund, and the several States in whose favor the claim is made?

"It has already been seen that, so far as the pecuniary interests were concerned, the States did not convey a clear title, but the mere right to purchase such a title from the Indians. The trustee, therefore, must make this purchase to bring the trust fund into a productive state at all, or to render it possible to perform the trust, which is assumed to be the payment of the debt of the Revolution. If these be sound positions, there is a very short way of showing that the *equity* in the remainder, or reversion, whatever it may be, and however clearly it may exist, cannot yet attach, because the net annual proceeds of the lands do not now, and are not anticipated for the year to come, to be equal to the current charges upon the treasury, for the purchase of the Indian titles, and that branch of the Revolutionary debt yet undischarged. Two items only of the current ordinary expenses of the government will demonstrate this fact.

"The Indian annuities are debts contracted for the purchase of the Indian title to these lands, and the Revolutionary pensions are, upon every fair principle of equity, a part of that debt which it is assumed the lands were to pay. It might be said that these pensions were mere gratuities, disconnected from the legal debt at the time of the cessions and therefore not legally chargeable upon the fund thus provided for the payment of that debt. Admit this objection in its legal sense, and what is its *equitable* aspect? Why have the pensions been granted? Is it not because resolutions of the Congress held out inducements to enter the military service of the country which were not fulfilled, and because the currency in which the soldiers in that memorable war were paid was valueless? Were not these, then, *equi-*

table claims against the United States, and are not the payments *equitable* charges upon a fund dedicated to the payment of the Revolutionary debt, before a mere inferential and consequential *equity* can sweep away that fund?. It did not appear to him that the point admitted of argument. It was too clear for discussion and too just for resistance. He would state the account current between the treasury and the lands, upon this simple principle, and see what was the equitable remainder or reversion to the States.

"The actual amount payable to the various Indian tribes annually from the public treasury, as annuities secured to them by different treaties and as interest upon money stipulated by treaty to be permanently invested and not yet invested, as shown by a statement in his hand carefully prepared at the Indian office, is.....	$817,793 00
"The actual payments from the treasury for Revolutionary pensions for the year 1839, as shown by a statement from the office of the Second Comptroller of the Treasury and now before him, were.....	2,956,135 75
"Making together an amount of annuities for Indian lands and pensions to officers and soldiers of the Revolution, payable annually from the national treasury, of.....	$3,773,928 75
"The estimated receipts into the treasury from the sales of the public lands for the present year are just about the same as the actual receipts of last year, and either sum is.....	3,500,000 00
"This will leave an annual balance of the annuities and Revolutionary pensions, over and above the whole current proceeds of the lands, of.....	$273,928 75

"This will be about the true state of things for the last and the present years. It is true that the payments for Revolutionary pensions are now diminishing, from the death of the pensioners, more rapidly than they are increased by new applications and admissions under the existing laws, and this diminution will be annually more and more rapid if further legislation does not prevent it. It is also true that many of the Indian annuities are for terms of years, and the expiration of such annuities may sink the amount of payments under that head, if new treaties do not make a corresponding addition. So also the annual sales of

lands may be extended in future years, and thus this comparison be changed. But at present there are no net proceeds from the lands, if these two single items are made an annual charge upon them. Still there are constant annual charges of the highest necessity, which are not included here, and which, by the admission of all, should be deducted to arrive at the *net* proceeds for distribution. He referred to the ordinary expenses of the land system, of the General Land Office here, of the various local land offices, of surveys, and all those classes of expenditures which are paid by annual appropriations from the treasury, and not by commissions upon the money collected. These expenses cannot fall short of, and are more likely to exceed, half a million annually. He had caused them to be ascertained for the five years, commencing with 1833 and ending with 1837, to be used for another purpose, and during that period they averaged more than one million per annum. Those, however, were years, or at least some of them, when the surveys and sales were unusually extensive. Still half that average, he thought, could not be excessive for ordinary years. It should not be forgotten that no mention is here made of annual payments for holding new treaties, for new purchases of land from the Indians, and for the many other constant but uncertain expenditures growing out of the acquirement of title, management and sale of these lands, and nothing is said of the expenses of the frequent Indian wars which have attended the execution of the various treaties and the clearing the lands from Indian possession.

"He would now pass to another part of the argument. He had already said that the right of the States to the distribution proposed, and the power and duty of Congress to make it, had been attempted to be rested upon the deeds of cession from the States to the United States, and the alleged object and purpose of those cessions. He had previously attempted to show that neither those deeds, nor any of the proceedings, either on the part of the States or the United States, presented any resting place for the assumptions in question. He might, however, have been mistaken in his efforts to accomplish that object, and it would be too great an exhibition of vanity on his part to say he had accomplished what he had hoped to accomplish upon those

points. He must, therefore, pursue the argument further. Suppose he had wholly failed to establish those positions, a consequence followed from which there was no escape, and that he would now state.

"No right of the States, or power or duty of Congress, based upon the deeds of cession, could apply to any other than the ceded territory. This must be admitted, for whether the cessions contained upon their face reversionary rights to the ceding States, or remainders over to all the States, no such rights could attach, or be valid, either in law or equity, beyond the limits and interests of the estate covered by the deeds; the estate to which the grantors in the deeds claimed title or interest. He would not, for a moment, presume that any Senator would attempt to push the right of the States to a distribution of the proceeds of the public lands upon such grounds beyond this limit, and he would therefore proceed to show how far short of the ground covered by the proposition before the Senate this justification of its principle and equity would be found to cover.

"The boundaries of the cessions were, invariably, all the lands situate without and beyond certain defined limits, northerly, westerly or southerly, and without any prescribed extent, or specified limit, north, west or south. The limits of the ceding States in those directions were fixed and defined, and the grants were of all the lands belonging to the granting State without and beyond its boundaries. The most which can be asked, therefore, as the outer limits of the ceded lands, is the outer limits of the United States as established by the definitive treaty of peace of 1783. This must follow from the fact that the lands, whether in fact the property of the confederation of States, or of the seven ceding States, were held by conquest in the war of the Revolution, and cannot be supposed to extend beyond the boundaries fixed in the treaty which terminated the war, and fixed the limits of territory for the belligerent parties. The western and southern of these boundaries are now alone material, as the northern and north-western is the present limit of British and American possessions. The western and southern of these boundaries, beginning upon the Lake of the Woods, are described in the treaty as follows:

"'And from thence on a due west course to the River Mississippi, thence by a line to be drawn along the middle of the said River Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude; south by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the River Apalachicola or Catohouche; thence along the middle thereof to its junction with Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic Ocean.'

"Thus making the middle of the Mississippi river the western, and the thirty-first degree of north latitude the southern boundary of these cessions. With these boundaries the ceded lands do not include any of the territory west of the Mississippi; and the territory of Iowa and the States of Missouri, Arkansas and Louisiana, and all the country west of them, are free from any claim of the States growing out of the deeds of cession. So, also, those parts of the States of Mississippi and Alabama, south of the thirty-first degree of north latitude, and the whole of the Territory of Florida, are equally untouched by these grants. It may be well further to specify what the grants do not touch, before seeing what they did cover and convey. They did not then touch any portion of the old thirteen States, as at present bounded, or any portion of the present States of Maine, Vermont, and Kentucky. A very small portion of the State of Tennessee was ceded by the deed of cession of North Carolina; but the remnants of land were so scattered, and so badly located, that the government has never yet supposed it a matter of interest to cause their survey, or to open a land office and attempt a sale of lands within that State. Indeed, it seems now certain that nothing is to come to the common treasury from the public lands in Tennessee, as a bill passed this body at its last session, without a dissenting vote, to cede the remnants of those lands to that State without compensation; and a similar bill has again passed by the same vote, at the present session. Thus the whole cession of North Carolina is disposed of, without bringing one dollar into the treasury; for he found that the law for the admission of the State of Tennessee described the State as 'all the territory ceded to the United States by the State of North Carolina.' He did not mention this fact to the prejudice of that old,

patriotic, republican State. Her cession had given to the Union one of the proudest of the present sisters of the family; and it was made with a patriotic devotion to that Union not inferior to that which governed the action of any other of the seven ceding States. Yet when a claim for a reverson, or an equitable remainder, was interposed against this government, a fact like this spoke volumes in relation to that *equity*. It showed, beyond the power of question, what *net* proceeds one of the ceding States would receive, if the right of reversion to the ceding States alone should be admitted, and the equity claimed should be adjusted by that rule.

"There were other facts of a somewhat similar character, to which it might be well to refer in this connection. The cession of Georgia was last made, and comprehended all those portions of the States of Alabama and Mississippi which are north of the thirty-first degree of north latitude; and it is daily contended here, by the friends of this proposition for distribution, and has been regularly so contended, ever since the Cherokee controversy has been known to the country, that the federal government, by the terms of this cession, had contracted to pay all and more than the ceded lands were in fact worth; and ever since the late Cherokee treaty, extinguishing the Indian title to the lands in the State of Georgia, this argument, which, previous to that period, was only hypothesis, has been assumed as demonstration. The *net* proceeds of the Georgia cession, then, must be much like those of North Carolina, *nothing*. Virginia is claimed to have made the great and material cession, and yet Virginia did not cede Kentucky, the only part of the great unappropriated country, in all probability, falling within her chartered limits. Kentucky was constituted a State from the acknowledged bounds of Virginia, as was Maine, at a much later day, from those of Massachusetts. These facts were not mentioned, or referred to, for the purpose of detracting from the patriotic liberality, public spirit, and devotion to the Union, of Virginia. Far from it. She claimed the territory north-west of the Ohio rather by conquest than by chartered right, and she ceded her claim, whatever it might be, as a common fund to the Union, upon terms which yet show, upon their face, that her object was the extension of those

free Republican principles she has ever so dearly cherished, and so fearlessly maintained, rather than any pecuniary consideration to herself, or even to the Union.

"These facts, however, show that from all the ceded territory south-west of the Ohio, no *net* proceeds were to come, or ever can come, into the common treasury, either for distribution or for any other purpose.

"It would be proper here to extend a little farther an idea following from a former position of his argument. He had attempted to show, and he thought upon unanswerable grounds, that if any right of remainder, or reversion to the ceded lands, or to their proceeds, whether legal or equitable, can be sustained in favor of any of the States, it must result to the ceding States only, as it was only asserted and claimed as an inference and consequence of law or equity, from the grants, and the alleged object and purpose of the grants. He now wished to inquire, upon the supposition that such a right should be admitted, what would be the state of things with the ceding States. He found, upon a careful examination of the deeds of cession, that the descriptions of the territory ceded by New York and Massachustts were identical; and without stopping to inquire where, within the present bounds of the United States, that territory was, who should determine what the rights of these States would respectively be to such remainder or reversion? Let the cessions of Connecticut and South Carolina be examined with the same view, and let those who could, answer these inquiries.

"He would now proceed to show where and what the ceded lands in fact were, regardless of the question as to what State may have originally owned them, or what State may now be entitled to a remainder or reversion of them, or their proceeds. Those portions of the States of Alabama and Mississippi north of the thirty-first degree of north latitude, the States of Indiana, Ohio, Illinois and Michigan, and the Territory of Wisconsin, embrace the country, and, from a calculation made at the Land Office, which he held in his hand,

" 'The whole number of acres within those districts of country were		231,773,379
" 'From this quantity, the number of acres reserved in the deeds of cession were		7,226,405
" 'Leaving the number of acres actually ceded, including the cession of Georgia		224,546,974
" 'Out of these lands Congress has made certain specific grants, viz.:		
" 'For military bounty lands (acres)	4,266,616	
" 'For schools, roads, canals, etc	8,673,278	
" 'And there was reserved in Indian treaties, to be sold for the exclusive benefit of Indians,	6,830,054	
" 'And certain private claims upon the lands north-west of the Ohio, existing previous to the cessions, have been since allowed, and have taken	2,310,265	
		22,080,309
" 'Thus leaving the number of acres for sale, and to produce money to the treasury, out of the whole cessions,		202,466,765
" 'Of this quantity of the ceded lands, the Indian title still remains not yet extinguished, or, in other words, the United States have not purchased the following parcels, viz.:		
" 'In the State of Ohio (acres)	107,816	
" 'In the State of Indiana (acres)	504,800	
" 'In the State of Michigan (acres)	8,932,440	
" 'In the Territory of Wisconsin (acres)	17,377,675	
		26,922,731
" 'This leaves the number of acres owned by the United States, by clear title, and which could have been and can be sold for the benefit of the common treasury		175,544,034
" 'Out of this number of acres the United States had, on the 30th of September, 1839, sold and received pay for,		69,678,915
" 'Leaving, of the ceded lands, susceptible of sale, on the 1st of October, 1839, this number of acres, though portions had not been surveyed and made "subject to sale,"		105,865,119
" 'These lands are situate in the following States and Territories, viz.:		
" 'In the State of Ohio (acres)	1,801,394	
" 'In the State of Indiana (acres)	4,984,354	
" 'In the State of Illinois (acres)	19,436,870	
Carried forward	26,222,618	

Brought forward	26,222,618	
" 'In the State of Michigan (acres)	20,998,493	
" 'In the State of Alabama (acres)	19,940,585	
" 'In the State of Mississippi (acres)	11,549,003	
" 'In the Territory of Wisconsin (acres)	27,154,420	
		105,865,119'

"These statements, as will be seen, exclude the remnants of the ceded lands belonging to the United States in the State of Tennessee. The reasons for that exclusion have been before given, and the simple fact only requires mention here. It will be seen from the above table that a very large proportion of these lands are in States extensively settled; and whether, from the fact of those settlements and the improvements consequent upon them, the lands are worth more than the average of the public lands, or whether they are, from this same fact of extensive settlements, culled and inferior lands, he had no means of determining. The term of years for which many of these lands have remained in the market, and subject to sale at $1.25 per acre to any purchaser who should choose to enter them, is certainly not favorable evidence either as to their quality or location or both.

"Such, however, is the extent and present condition of this ceded territory, and such the fund from which any distribution, rested upon the deeds of cession, must be made, and not from that great public domain of the Union, the most of which has been acquired, not from the States, but by purchases from foreign governments, by the powers of the Union, and with the 'property,' *the money*, of the Union.

"This would bring him to a further position which, in his mind, was most material to the present discussion. The assumption was that an *equity* on the part of the States, to the distribution proposed, did actually exist, from whatever source that equity was derived and upon whatever foundation it might rest. Still the equity set up and contended for was merely to the *net* proceeds from the sales of the public lands, and it became, therefore, material to determine what was the 'net proceeds' from those sales, in an *equitable* case between the common treasury and the several States; inasmuch as the proposition was advocated by its friends, as he had before shown, upon equitable and

not legal grounds. What expenses, then, should be deducted from the gross proceeds to determine the equitable net amount for distribution? He would name the heads of those expenditures which he thought such a rule would deduct, and he would leave it to those who should follow him in the discussion to point out his errors, if any, upon either side. That he should not include any head of expenditure which ought to be excluded he felt sure, but that he should omit some which ought to be included his very imperfect acquaintance with the subject rendered more than probable. The following, however, were the heads of expenditure which he would present:

"1. The purchase-money for lands paid to the Indians in hand.

"2. The annuities stipulated by treaty to be paid to the Indians in lieu of purchase-money.

"3. The expenses of holding Indian treaties for the purchase of lands.

"4. All payments stipulated to be made to Indians, by the treaties with them, for buildings, schools, mechanics' tools, mills, implements of husbandry and the like, all these being payments in lieu of purchase-money.

"5. All expenses of the removal of the Indians from the lands, and of their subsistence on the way and at their new homes, when made from the treasury of the United States.

"6. All expenses of the survey of the lands for sale.

"7. All expenses of the Surveyor-General's offices.

"8. All expenses of the local land offices which are not paid in commissions upon the money received.

"9. All expenses of suits to establish the title to the lands or to maintain it, and to protect the lands from trespasses.

"10. All expenses of the General Land Office at Washington and of the offices to preserve the records of titles elsewhere.

"11. The five per cent commissions reserved to the new States by the terms of their admission into the Union.

"All the expenditures under all these heads have been incurred, and must have been incurred, to enable the United States to perfect, preserve and maintain the titles to the lands, to protect the lands from waste and to make sale of them, and thus execute the alleged trust of paying the debt of the Revolution from their

avails. 'Net proceeds,' therefore, could not be looked for until these expenses were paid beyond the assumed trust.

"It was proper here to say, that most of the land bills heretofore introduced, and which had occupied the attention of Congress at former sessions, either did not prescribe any rule to determine what should be considered net proceeds, or prescribed a rule erroneous in principle and unjust to the national treasury. He believed there had been six of these bills presented to, and considered by this body; and the first four provided for the distribution of the 'net proceeds' of the sales of the lands, without declaring what should be considered such or laying down any rule by which that should be determined. The two last declared that the expenditures under the following heads should be deducted from the gross proceeds, and what remained should be held to be net proceeds, viz.:

"1. The salaries and expenses on account of the General Land Office.

"2. The expenses of surveying the public lands.

"3. The salaries and expenses of the Surveyor-General's offices.

"4. The salaries, commissions, etc., of the registers and receivers of the local land offices.

"5. The five per cent upon the amount of sales reserved, by the terms of their admission into the Union, to the States in which the lands are situate.

"The deductions here provided for, it cannot fail to be seen, are merely such as are indispensable to keep the system of sales in operation, and do not make any allowances for the expense of acquiring the Indian title, of defending that title, and clearing it from the Indian possessions and other incumbrances — expenses as necessary to bring the lands into the market for sale as those of the land system itself. Such a rule of net proceeds was to charge upon the common treasury, and the revenues of the country derived from other sources, the cost of the lands and of acquiring their possession, and to divide their avails among the States discharged from that cost.

"This brought him to another and most important position in this discussion. It was that, upon the fair rule of calculating the net proceeds of the lands which he had laid down, there

never had yet been any *net proceeds*, either for application to the debt of the Revolution, or for distribution, whether the whole public domain, or the lands ceded by the States only, were taken into the account. This proposition might be startling to some members of the body, as it would no doubt be to a very large proportion of their common constituents, and yet he had taken the utmost pains to learn the truth from the proper officers, and he held in his hand the official statements to verify this position. He had procured the data from which he spoke during the last session of Congress, and the accounts were brought up to the 30th of September, 1839, but nothing had transpired since that time which could materially vary the results then exhibited. The facts were taken from the records in the archives of the country, and must, if anything could, lay the foundation for correct and safe conclusions.

"He would first state the account with the whole public domain, as these records presented it. He would not detail items, as that would be tedious and unprofitable, but the statement before him showed that—

"'The cost to the United States of Louisiana, as purchased from France, and Florida, as purchased from Spain, the payments to and for the State of Georgia in conformity with the terms of the cession, the expenses of the General Land Office, of the local land offices, including salaries, commissions, and the like, the expenses of surveys, including those of the Surveyor-General's offices, and the 5 per cent upon the amount of sales to the new States, had together, up to the 30th of September, 1839, amounted to.....	$49,081,172 20
"'A similar statement from the Indian office, made upon the principle of estimating perpetual annuities at a capital which, invested at 5 per cent, would produce the annuity, annuities for terms of years at their actual amount, and life annuities as annuities for twenty-one years, and all other amounts as actually paid, or stipulated by treaties to be paid and yet due, showed that the amounts actually paid and liabilities incurred by the United States for the extinguishment of	
Carried forward.....	$49,081,172 20

Brought forward	$49,081,172 20
Indian title to different portions of the public lands, and for the removal of the Indians therefrom, up to the 30th of September, 1839, were....	85,974,052 84
"'Making the whole actual cost of the public domain, to the treasury of the nation, up to the date named	$135,055,225 04
"'A statement from the General Land Office shows that the gross receipts of money from the sale of lands, up to the same date, was but.....	116,198,179 15
"'Thus leaving a balance against the lands, and in favor of the treasury, upon a simple comparison between the expenses for their account and the receipts from them, of.....	$18,857,045 89'

"This is the result of the statement of the account with the whole public domain. A statement applicable to the lands ceded by the States simply, making the number of acres of land surveyed and sold, and the amount of purchase-money received, the rule of proportion of charge as to the items to be divided, such as the expenses of the General Land Office, and the like, and preserving the principles of the former statement as to annuities, presents the following result:

"'Payments to and for the State of Georgia, the five per cent to the new States, all the expenses of the local land offices, and the proportion of the expense of the General Land Office, of surveys and the like, applicable to the ceded lands, up to the 30th of September, 1839, had amounted to	$16,416,589 11
"'The proportion applicable to these lands, of the expenses of extinguishment of the Indian title, including the annuities and other liabilities yet unpaid, as nearly as it is possible to ascertain the proportion from the treaties and appropriations, is.....	83,476,882 84
"'Thus showing the actual cost to the treasury of the ceded lands, up to the 30th of September, 1839, to be	$99,893,371 95
"'A statement from the General Land Office shows that the whole gross receipts from the sales of the ceded lands, up to the date mentioned, have been.....	98,786,265 56
"'This leaves a balance in favor of the treasury, and against the ceded lands, alone considered, and simply comparing the expenses for their account with the receipts from their sales, up to the date named, of.....	$1,107,206 39'

"There might be slight errors in these calculations, but it would be perfectly apparent to any one who would make himself acquainted with the subject that, if the results varied from the exact truth, that variation would be found to be in favor of and not against the lands, in either statement. No items of expenditure had been included which had not been incurred, while it was scarcely possible that some should not have been overlooked, which should justly have been embraced. It should also be remarked here, that nothing is included in either of these statements to cover the expenses of the various Indian wars which have grown out of the treaties for the purchase of lands, and the execution of them by the removal of the Indians from the lands sold.

"There have been, then, no net proceeds from the sales of the public lands even to apply toward the extinguishment of that Revolutionary debt which the cessions of the States are said to have been made to extinguish, and much less to distribute to the States over and above that debt. So far, therefore, the *equities* are palpably in favor of the national treasury instead of the ceding, or any other States, and it would seem to be in time to talk about the indebtedness of this government to the States, by reason of the lands, when its treasury shall have been reimbursed, the money paid, and liabilities incurred, on their account.

"To meet an allegation often made, and which had been repeated in the course of this debate, that injustice had been done to the States, and they had been made to suffer in their pecuniary interests, by the refusal of the late President to sign the bill which passed both Houses of Congress during his administration, providing for a temporary distribution of the net proceeds of the public lands among the States, he would lay down another position, which the facts would sustain. It was that the States received from the United States more money, under the deposit act of 1836, than they would have received under either of the six land bills which had been introduced into that body, by an honorable Senator from Kentucky, Mr. Clay, if either of those bills had been passed and become laws, and especially the one which did pass the two Houses, and failed for the want of the signature of the President.

"The first four of these bills, including that one which passed the two Houses, proposed to make the distribution for a period of five years, commencing with 1833 and ending with 1837, and simply directed that 'the net proceeds' should be distributed in a certain manner, without prescribing any rule by which the net proceeds should be determined. As, therefore, the rule he had laid down was manifestly the fair and just one, he should make the comparison based upon that rule. Before proceeding to do that, however, it was due to the subject to remark, that the period selected by the honorable Senator for the operation of these bills turned out to be far the most fortunate for his plan of distribution, and for this comparison in that aspect, which could have been selected since the commencement of the land system. It was a fact that the receipts into the treasury from the lands, during the five years named, were more than half of the whole amount of those receipts from the first land sales in 1794 to the close of the year 1839, a period of forty-five years. It had already been shown, in another place, that

"The entire receipts of money from the whole public domain, up to the 30th September, 1839, were.....		$116,198,179 15
"During the five years commencing with the 1st of January, 1833, and ending with the 31st of December, 1837, those receipts were:		
"For the year 1833.....	$4,972,284 84	
"For the year 1834.....	6,099,981 04	
"For the year 1835.....	15,999,804 11	
"For the year 1836.....	25,167,833 06	
"For the year 1837.....	7,007,523 04	
		59,247,426 09
"Thus leaving the gross receipts of the remaining forty years to amount but to the sum of.....		$56,950,753 06
"Being less than the amount received in the five years covered by these first four land bills by the sum of.....		$2,296,673 03

"If, then, the sum received by the States under the deposit law of 1836 was greater than the net proceeds of the lands for these five years, it will not be pretended that any other five years could have been or can now be selected which will pro-

duce a more favorable result for the distribution interests. A comparison from the records will establish the following facts:

"The expenses of the General Land Office, of the local land offices, of the Surveyor-General's offices, of surveys, including all salaries, commissions and contingent expenses of commissions to settle land claims, and the five per cent to the new States, for the five years from 1833 to 1837, inclusive, amounted to.....	$5,368,843 70
"The amount actually expended in the Indian department during the same five years, as ascertained from the appropriations and accounts, exclusive of Indian wars and the suppression of Indian hostilities, was.....	18,743,314 98
"The value of Indian annuities created, and stipulated by treaties to be paid, during that five years, estimating the annuities for terms of years at their actual amount, those for life at twenty-one years, and those which are perpetual as a capital which, invested at five per cent, will produce the annuities, was.....	5,933,400 00
"The value of the annuities resting as a charge upon the lands at the commencement of the five years, and which could not produce *net* proceeds until those debts were discharged, was.	6,675,675 00
"The amount of the money paid to the States under the deposit act of 1836 was.....	28,101,644 97
"These sums, together, make a total of.....	$64,822,878 60
"The gross receipts from the lands for the five years, as has been shown, amounted to.....	59,247,426 09
"Thus showing a deficiency in the receipts to meet the payments for account of the lands for the period, to discharge the liabilities contracted for and resting upon the lands, and to make the payments to the States which were actually made under the deposit act, of the sum of	$5,575,452 51

"These charges and payments, for the five years, may seem large, and they are so; but it must not be forgotten that while we sold lands rapidly during that inflated and speculating period, we also purchased rapidly from the Indians; and an examination of the transactions of the government will show that more Indian title was extinguished, and a greater number of Indians were removed west of the Mississippi, during the period in question, than in any other period of equal length, if not more than ever,

previously. It may be supposed that the fourth item in the statement — that for the annuities existing previously to the commencement of the five years — is improperly charged in the account. It is not easy to see how the lands could be said, with truth, to produce net proceeds for distribution, while debts legally and equitably chargeable upon them — debts contracted for their purchase — remained unpaid; but if this item be mistaken, another of a less amount, the annual current annuities for the five years, should unquestionably be substituted. They would make an amount of $1,668,918.75 for the period in question, and such a change in the statement would still leave a deficiency in the fund to meet the payments of $568,696.26. In any shape, therefore, in which the comparison can be made, the sum paid to the States was more than the net proceeds of the lands would have given them for the period which has been examined.

"The later land bills proposed to make the distribution for the five years commencing with 1837 and ending with 1841; and although they prescribed a rule, and, as he thought, one most erroneous and unjust to the treasury, for determining what should be considered net proceeds, yet under those bills and that rule the States could not have received anything like the sum which has been paid to them under the deposit act. Indeed, it does not now seem likely that the whole gross proceeds of the sales for these five years will reach the amount so paid over to the States. It was not his intention to enter into any discussion now as to the character of those payments, and whether they were to be viewed in the light of deposits or distributions. When the bill was on its passage which authorized the payments to be made, he attempted to show that they would be distributions in effect, if they were not in form, and he believed all would now admit that such was likely to be the result.

"A single remark further under this head, and he would indulge what seemed to be the wish of the Senate, by yielding to a motion to adjourn. It should not escape attention that in all these statements and comparisons nothing has been taken from the proceeds of the lands to be applied to the debt of the Revolution, to the payment of which it is said they were pledged by the States; nothing to pay the Revolutionary pensions, in equity certainly a

part of the Revolutionary debt, and for several years last past amounting to some three millions per annum; nothing to pay the expenses of Indian wars, prosecuted for the recovery and protection of these lands, and two of which, within the five years from 1833 to 1837, inclusive, took from the national treasury probably not less than twenty millions of dollars. [Here the Senate adjourned until the following day, Thursday, January twenty-eighth.] Mr. Wright said, if he had succeeded in making himself understood yesterday, it would be recollected that he sought to establish the general position that the proposition now before the Senate to distribute the proceeds of the public lands to the States was, in principle, identical with a proposition to distribute any other equal portion of the revenue, derived from customs or from any other source, or an equal portion of the proceeds of any other property of the United States. His course of argument was,

"First. That the power given by the Constitution to Congress over the lands or 'territory' and over all 'other property belonging to the United States' was identical.

"Second. That the deeds of cession from the States contained no provisions laying a foundation for 'claims' upon the lands or their proceeds, in favor of the ceding States themselves, much less in favor of the other States, within the meaning of the second clause of the third section and fourth article of the Constitution.

"Third. That any such 'claims,' if existing by legal inference and consequence from the cessions, and whether of a legal or equitable character, could only so exist in favor of the seven ceding States, and not in favor of all the States to which this proposition proposed to distribute the proceeds of the public lands.

"Fourth. That no such 'claims' flowing from the cessions, either by express provision or by legal inference and consequence, can attach to any other than the ceded lands and their proceeds, while the proposition under discussion is to distribute the proceeds of the whole public lands, including as well the proceeds of the public lands acquired by purchase as of those ceded by the States.

"Fifth. That if, as is insisted by some, there be equitable 'claims' in favor of the States to the net proceeds of the public

lands, after the payment of the debt of the Revolution, no such claims can yet exist, because that debt is not paid, and cannot be while the Revolutionary pensions remain a charge upon the treasury; because no part of the proceeds of the lands have yet been applied toward the payment of the Revolutionary or any other debt, except the expenses incurred for account of the lands themselves; and because, whether the account be stated with the whole public domain, or with the ceded lands only, the whole proceeds have not yet equaled those expenses.

"Sixth. That the sum paid to the States under the deposit act of 1836 is greater than any sum they could have received under any of the former land bills, if either of those bills had passed and become a law, and consequently any equity in favor of the States thus attempted to be established had been canceled by payment in money.

"He would now pass to another view of the subject. Much had been said, in times gone by, of the severity, the injustice, the cruelty of our Indian policy — of our driving 'the poor Indian' from his home, and the graves of his fathers, without a just compensation for his lands or a suitable provision for himself. At one period during the late administration, complaints of this character took a political and partisan direction, and the venerable patriot then at the head of the government, with the friends who supported him, were charged with cruelty and extortion toward these ignorant and unprotected natives. The treaties making for their lands were broadly and loudly censured as oppressive and unjust, as securing no adequate return to the red man for the value of his property wrenched from him; and his removal from the lands, in conformity with his treaty stipulations, was characterized as nothing short of a violent exercise of arbitrary power — an expulsion by force from his native hearth and his native home.

"Perhaps impressed with a sense of the partial justice of these complaints, the then Pesident, Gen. Jackson, directed a change of the policy as to the purchases of land, and a treaty was entered into with the Chickasaw tribe of Indians, covering their whole extensive country east of the Mississippi, in the month of May, 1834, upon the new terms proposed. These terms were, in brief,

that the United States should become the trustee of the Indians, without compensation, for the survey and sale of the lands and the removal of the tribe to their new homes in the west, and should account for and pay over to them the whole proceeds, merely deducting the actual expenses of the execution of the trust, but reserving no commissions or other compensation for the superintendence and responsibility. This new policy met the approbation of this body, as the treaty was ratified here, by the vote of two-thirds of the members present necessarily, and thus became the supreme law of the land as between the United States and these Indians, and as between the treasury of the United States and any proceeds from the Chickasaw lands. He well recollected that, at the time, this treaty was freely and universally spoken of as the commencement of a new and more just policy in our dealings with the Indians, and the subject impressed itself more strongly upon his mind because it was substantially the policy which his own State had pursued in the purchase of the Indian lands within her limits, and subject to her pre-emptive right, ever since he had had any knowledge of her Indian relations.

"His present impression was, that this treaty with the Chickasaws was among the last which had been made between this government and the Indians, covering any large extent of lands. Was this new, more liberal, more just, more humane policy to prevail hereafter? Who would rise in his place here and say it was not? Who would contend that, for the sake of bringing money into the treasury for distribution to the independent States of this Union, speculations were again to be attempted in the purchases of Indian lands? If no one, then the question of proceeds for such distribution, beyond the unsold lands to which the Indian title has been already extinguished, is at rest forever.

"The extent of the interest in the unsold lands to which the Indian title has been extinguished he was unable to state, as he had not possessed himself of the facts upon that point, except as to the ceded lands. In reference to them he had done so, with great labor, and he had reason to believe with great accuracy; and as some of the leading features of this discussion made the

facts upon this point most important, he would again refer to the exact figures, in another view which he was now called upon to take of this *equity* in favor of the States growing out of the cessions.

"The assumption and argument is, that the cessions were made to pay the debt of the Revolution, with a resulting equity, not in favor of the ceding States, but of all the States of the Union at any period, not expressed upon the face of the deeds of cession, but following as an equitable consequence from all the transactions connected with and relating to the cessions. This position and argument presupposes that the payment of the debt was the first condition of the trust, and that the remainder over to the States was the residue of the fund after the payment of that debt out of it. The equity contended for, therefore, must be to that residue of the common fund constituted by the ceded lands, for it would be trifling to say that the cessions were made to the common treasury to constitute a fund for the payment of the debt of the Revolution, with an equity over in favor of the States to such remainder as might exist after the payment of the debt, and that that equity attaches before one dollar has been taken from the fund toward the payment of the debt for the payment of which it was exclusively pledged. In other words, to contend that the entire pledge, the very object and purpose of the cession, has become merged in the mere equitable remainder, and that that incidental and inferential equity now swallows up the whole, and more than the whole, fund, — the entire proceeds of the whole public domain over and above the necessary expenses of administration.

"Take, then, the fair ground of the argument: that the equity, if it exist and can be maintained at all, is to the remainder of the fund to arise from the sale of the ceded lands, after the payment out of it of the debt for which the fund was constituted and pledged. It had been already seen that, of the ceded lands, the Indian title remains yet unextinguished to 26,923,731 acres. If the policy adopted in the Chickasaw treaty is to govern the extinguishment of the title to these lands — if the Indians are to receive the whole proceeds as the Chickasaws do, deducting merely the actual expenses — then no proceeds are here to be

realized, either to apply toward the debt or to strengthen the remaining equity in favor of the States. All that remains, therefore, for both objects, is the quantity of the ceded lands yet unsold, and to which the Indian title has already been extinguished. That quantity had been shown to be 105,865,119 acres. A balance in favor of the common treasury, for the mere expenses upon the ceded lands, has been shown yet to exist, to the amount of more than $1,100,000, which should be first paid out of this unsold remainder of the fund. Then the future expenses of management and sale and collection must be deducted from the proceeds. Then the debt of the Revolution, usually so called, existing at the time of the formation of the constitutional government, was more than $100,000,000; and after all these demands shall be discharged from the proceeds of the sales of the 105,000,000 of acres of culled lands, what do gentlemen suppose will be left for distribution to the States under this alleged resulting equity? Is there a man who believes that the claims specified can be paid from the *residium* of the fund? He did not believe there was, and yet he had said nothing of the Revolutionary pensions, as a part of the Revolutionary debt, and which were now a larger sum annually than could be brought into the treasury in proceeds from the sales of the ceded lands remaining unsold. Admitting, therefore, for the sake of the argument, the equity claimed and contended for, and which is not admitted for any other purpose, or believed to be sustainable upon the facts, and there does not seem to be any fund upon which it can act in aid of the measure now proposed.

"A single other proposition would enable him to come to the close of this part of his argument, and that was one which had been referred to in his opening remarks, and which would now be fully admitted by every friend of the distribution policy in the Senate. It was that the common treasury could spare nothing from its present revenues, those from all the public lands included, and meet the necessary expenses of the common government, without an increased supply of means from some other source of revenue, at least equal to the amount of money distributed under the name of *net proceeds* of the land sales.

"It was his good fortune, after the tedious details he had been

compelled to go through, to know and to be able to say to the Senate that very brief references of this character would content him upon this point. He had before said his notes were prepared during the last session of Congress. His references, therefore, as a necessary consequence, had been made to the state of the treasury at that time. The year 1840 was then his test of the proposition — a year when the estimate of revenue from the proper department of the government was less than the estimated expenditure by $1,400,000. This expected deficiency was to be met, for that year, by the unexpended balance in the treasury on the first day of it, and by the avails of certain debts due to the treasury from the banks, growing out of the accumulations of revenue in former years.

"Still, he had felt it to be his duty, making his remarks now, to apply them, in this respect, to the anticipations for 1841. He found the estimates from the same department, for the current revenue of the present year, to exceed that of the current expenses by $3,330,000; but, at the same time, presenting the two material facts that the collection upon the debts to the treasury within the last year had very nearly consumed that accumulation of means from the revenue of former years which was then made a reliance, and that an outstanding debt, in the shape of treasury notes, issued for the expenses of the last year, would fall upon the treasury for redemption during the present year, over and above the current expenses of the year, which would very nearly consume this surplus of revenue, and all which could be further realized from the debts against the banks, and would only leave in the treasury, on the first of January, 1842, the sum of $824,273, in case everything shall be realized which is anticipated, and appropriations of Congress shall not exceed by a dollar the estimates of expenditure.

"This simple statement will show that, the whole land revenue being retained in the treasury, it is a matter of reasonable doubt whether the government can reach the close of 1841 with a dollar in the treasury, or whether there will then be found an empty treasury and an existing debt, and this too without reference to the appropriations of Congress beyond the estimates. The sources of supply are merely conjectured, and the slightest dis-

appointment, in any of the anticipated sources, may change the balance. Then it has been usual for Congress to exceed the estimate in its appropriations by the sum of one and a half to three millions of dollars, and if that shall be the result of the action of this session, a deficiency of means, without a loan, ceases to be a question. In any event, the facts before Congress and the country authorized the inference he wished to draw, that the treasury of the nation could spare nothing from its resources for distribution to the States, or for any other application, without a counterbalancing supply of means from some improved source of revenue, or from loans upon the credit of the country.

"This brought him back to the position he had, from the first, been laboring to establish, viz., that a proposition to distribute, to the States of the Union, the proceeds of the sales of the public lands, *net or gross*, in any aspect in which it can be compared with the material facts, is but a proposition to distribute to those States an equal amount of the general revenues of the country, whether the principle or practical effects of the measure be considered.

"In reference to this proposition, established by facts and history, as he believed it to be, he had but a very few remarks to make; and as he saw he was exceeding the time to which he had limited himself this morning, he would hasten to his conclusion. He would admit here, as preliminary to what he was about to say in reference to this broad principle upon which the favors of this government were to be dispensed, that an argument founded upon the possible abuse of a power expressly granted by the Constitution was not a legitimate course of argument in the field of discussion. Under our system, whatever was granted to Congress had been so granted by the States and the people, and whatever had not been so granted was expressly reserved to the one or the other. If, then, this right of the States to the distribution proposed, or the power of Congress to make it without such right, could be found in the Constitution, that should end his resistance, as matter of principle, and place his action upon the ground of policy alone. But if, as he understood the matter, the right of the States to the money was mere consequential, inferential, constructive, and drawn by doubtful reasoning from

the deeds of cession and the circumstances attending that act on the part of the ceding States; and if the powers of Congress to make the distribution are also consequential, inferential and constructive from the Constitution, and rest upon the unexpressed and doubtful meaning of the deeds of cession, and the still more doubtful objects of those cessions, he should consider an argument, drawn from the possible and probable abuses of such a power, perfectly legitimate to prove that it ought never to have existed, and, if not expressly granted, that it never ought to be drawn into exercise from the most direct construction, much less from one which is forced to leave the Constitution itself and go to other doubtful sources for a resting place.

"It should be borne in mind that the position was believed to be established that the passage of the proposition now under consideration, and making the principle contained in it a law of Congress, would be equivalent to an assertion of the power, on the part of Congress, to raise revenue, by taxation or otherwise, and to require property, whether in lands, fortifications, ships, or in any other form, for the purpose of distributing the property itself, or the proceeds of its sale, to the States, in the manner now proposed.

"In examining the consequences of the exercise of such a fearful power, it will be necessary to mark the manner of execution, as upon that may depend the form of injury and destruction to our institutions. In any form the consequences may not be less fatal, while the propelling power may be, in any one form, the reverse of that which shall be the moving influence in all the others.

"Suppose, then, as the first form of this influence, that the distributions to the States be made without limitation as to the object of expenditure. We thus free the Legislatures of the States from the odium of imposing taxes and burdens upon our common constituents, and take that odious duty upon ourselves; while we leave them to dispense the bounties to the people, which our exactions from their pockets have furnished the means of dispensing. We, in effect, and in practice, convert this government into a tax-laying and tax-collecting machine, odius and hateful in its action upon the people, and separated from those

sensibly beneficent dispensations which render the mildest government tolerable to a free people, that we may make the governments of the States dispensers of munificence only, utterly disconnected from those exactions which are among the necessary burdens of all civil government. Connect with the exercise of this policy the idea and the fact that this government exists upon the mere volition of the States; that their pleasure must sustain or terminate it, and that the declination on their part to send representatives into this body may, at any time, put to an end all its active and efficient powers for good or evil, and how long would it be likely to continue, as a mere instrument of taxation, separated from the benefits which the evils of these taxes are to dispense among and for the benefit of the tax-payers? Commence the system, and where will it be likely to end? Can cupidity be satisfied by giving? And if not, will the benefited States be likely to cease asking? It seemed to him that such a policy must soon drive this Union asunder, by leading to local conflicts and a contention of rival and sectional interests, which can only end in anarchy.

"Take the other direction of the influence. Suppose this government assume and can exercise the right to prescribe the object of expenditure of the money it shall distribute to a State. All the land bills have proposed to do that, and have enumerated various objects, such as internal improvements, the payment of State debts contracted for such works, education, the colonization of free blacks, and the like. Under such a system of policy, this government, being the layer of the taxes by indirection, and the direct dispenser of the bounties, could not fail to swallow up the influence of the State governments, render them mere bodies politic, without practical utility in the estimation of the people, and finally become a consolidated republic, and pass rapidly thence to a pecuniary despotism.

"Take another view of this exercise of the power, and see if this consequence can be avoided. Taxation for distribution is the policy. The fund is to be expended upon internal improvements, roads, canals, and the like. All such works must be more or less local, and the peculiar condition of one State may render them of great service to its business, most important to its com-

merce, and, as a consequence of these and other advantages, the means of enhancing the value of its soil and other property in an important degree; while another State may be so situated as to present few facilities for such improvements. So between different classes of citizens, differently situated, in the same State. One class may be located with their property near the proposed improvements, and another class, with an equal amount of property, may be so remote, or otherwise so situated, that they will not only not receive positive benefit, but relative injury from the proposed public work. Yet all are to be taxed, and in a legal sense equally taxed, for the fund to be distributed. He said in a legal sense equally taxed, because, although he did not propose upon this occasion to go into a disquisition upon that point, he thought it would be easy to show that the mode of taxation by duties upon imports, if carried to an extreme, and for purposes of expenditure such as this argument contemplates, not only might but must be most unequal, unjust and oppressive.

"Who are to be benefited in interest by the roads and canals to be constructed? The holders of property, of lands, of houses, of lots, and the trading and commercial men of the country directly. The laboring poor man indirectly and unimportantly, if at all. Take a case. A tax is imposed upon tea, coffee and sugar, for the purpose of raising a fund to construct improvements of this character, or, what is the same thing in principle and effect, to make up to the treasury the deficiency of the land revenue taken from it for that purpose. A. B. is a man of property, an extensive land holder, a merchant or trader, whose business and property are to be directly and materially benefited by the expenditure of the tax upon a canal or railroad, and he pays the tax cheerfully, and seeks to have it raised. C. D. is a cartman, whose whole worldly effects are his horse, cart and harness. The value of them cannot be materially increased by any road or canal, while their utility to him, and the business upon which he depends, may be destroyed by either. These two citizens have the same families to support. What will be their respective proportions of tax upon the articles named of tea, coffee and sugar? He was aware that it had been, at a former day, and perhaps might be with some now, fashionable to call

these articles luxuries, and therefore legitimate objects of taxation, but in his understanding they had become, by the habits of our people, as truly necessaries as any articles of importation. They were in common and constant use by all classes of our citizens, the wealthy unquestionably making a more free use of them than the poor and dependent. Still, in the case he had supposed, the amount of tax paid upon these articles would be nearly equal between the two families, while there would be no comparison between the amount of property of each, the amount of benefits to each to be derived from the prosecution of a system of internal improvements by canals, railroads and the like, or between the taxes they would be compelled to pay for the construction of such works, if equally assessed upon property. What must be the consequence of the prosecution of such a policy through the taxing power of this government thus indirectly exercised? Could it fail to divide the community into classes and localities? To induce him who was the owner of property to be benefited by the proposed improvements to strive to increase the taxes upon all, and thus swell the fund for distribution, while he who had no property, and would reap comparatively little benefit, being compelled to pay a nearly equal amount of the tax with his rich neighbor, would oppose the policy and feel himself oppressed by it? Would not the owner of property so situated as to receive little benefit, or relative injury from such works, feel that the rule of equal taxation, applied to him and to the man whose property and business were directly benefited, was unequal and unjust? In a direct assessment upon property the valuations would equalize the burdens. Not so when the tax should be indirect and equal, according to the necessaries and conveniences of life consumed. Was it not apparent from these brief suggestions that such a policy must set the community at variance, and produce strifes the most dangerous to any well-regulated society, those strifes which personal and private interests engender?

"There was still another aspect in which this policy might be viewed, even more frightful and disturbing. If it was competent for Congress to direct the expenditure of the fund to be distributed to any extent, it could do so to every extent. If its

powers could control the State Legislatures in their application of it, the same powers would enable Congress to apply it without the intervention of those Legislatures at all, not infringing upon the territory and jurisdiction of the State. If Congress could declare that the money should be devoted to the purposes of education, it could distribute it to the particular schools, or, *per capita*, upon the scholars taught. If this could be constitutionally done, the same power would extend to a distribution of money *per capita* to the whole population of the country for any specified purpose, or for the use of the recipients at pleasure. Establish this power in this government, and then admit, what cannot be denied, that if Congress can raise money by impost for distribution to the States or their citizens, it can as well raise it for that purpose by excise, direct taxation, or in any other way in which it can raise revenne at all, and see what a state of things may be produced by the practical application of this splendid policy. Push forward the interests to be enlisted until the revenue from customs fails to satisfy them; try the excise, and it must soon also fail; and then come to a direct tax, to be levied upon all property by a fair valuation and distributed *per capita* to the whole people, and we shall have a system of agrarianism established under our Constitution and laws, more perfect than any which had come to his knowledge devised by the most radical loco-foco in the land. Gentlemen might say this was putting an extreme case and an improbable supposition. So he considered the proposition for distribution of any portion of the public revenues in any form, and to any parties, other than for the legitimate expenditures of the common government; and more especially to distribute a material portion of the necessary revenues of a deficient treasury. If the latter was constitutional and lawful, he left it for those who could do so to show why the former was not equally so in principle, however much less wise it might be considered in practice. All these considerations had produced the most clear conviction in his mind that the power of distribution, in any form, ought not to exist; and, not being found in the Constitution among the enumerated and expressly granted powers, that Congress ought not to assume it from distant implication or upon doubtful construction.

"Another argument had been used in favor of this proposition, which he wished very briefly to notice. It was that the credit of the States was depressed, and it was our duty to aid in raising it again and restoring their stocks and bonds to a current and par value. He differed from the gentleman upon the other side in relation to our duties touching the State debts and the State credits. In his opinion, our duties would be best discharged by attending to the business of this government and leaving the States to attend to theirs; by exercising the taxing powers given to us by the Constitution to pay the debts and sustain the credit and faith and honor of the Union, and leaving the sovereign States to provide for their own debts in their own time and way, and through their own powers of taxation. We seemed to forget that the constituency is the same in both cases. The people to be taxed in each State are the same, whether the tax be imposed by a law of Congress or by the authority of the State; and the powers of each State to impose taxes upon its inhabitants, for its purposes, are as plenary as are ours to impose taxes upon the inhabitants of all the States, for the purposes of the common government. He would be the last man to do any act, intentionally, to injure any State or its credit; and might we not by an interference with their debts and their credit, not intrusted to our care and keeping, actually inflict injury while intending to benefit them? Their stocks and bonds were said to be depressed in the foreign markets and in the hands of foreign holders, — but how came they so depressed and by whom had the depression been produced? By these same foreign holders and purchasers. What are we told is the actual condition, at this time, of large amounts of these securities abroad? Not that they have been sold in the markets even at depressed prices, or sold at all, but that they have been hypothecated for comparatively trifling advances, and under conditions of forfeiture which have already attached. He could not vouch for the amount of these securities so situated, but he spoke from public report which had prevailed through the newspapers and elsewhere for many months, without contradiction which had met his notice, when he said that about $100,000,000 in amount were supposed to be thus hypothecated, and that the average advances were said not materially to exceed

fifty per cent upon the par value. If we proceed, by our legislation and the application of our means, to raise these stocks thus situated — thus voluntarily depressed by the holders — up to par, is there not danger that we shall stimulate their cupidity to perfect the forfeiture before the States can command the means to redeem their pledges, and thus, in effect, make fortunes for these holders of the hypothecated stocks, and throw into the current markets, against the States, debts double in amount to the considerations they will have received? If such should be a consequence of our interference, does any one doubt that the injured States would call upon Congress to pay that portion of their debts to which its gratuitous action shall have given force and value, without consideration to them? Let the States manage these matters themselves. They understand the terms upon which their securities are held at home and abroad, and their own interests in regard to them; nor are we at liberty to assume that our interference is necessary to protect their faith. The holders have taken the stocks at depressed prices by agreement, and equity between them and their debtors demands that the future regulation of the value of the securities should be left with them.

"Another ground upon which this policy of distribution was urged in some portions of the country, if not here, was, that it would favor the protection of American industry and American interests, by calling for an increase of duties upon imports. He had addressed the Senate, a few days since, upon this point, and regretted to find that he had been so unfortunate as to be understood by very few, and entirely misunderstood by many. He would now brefly restate the substance of the argument he then intended to make, when he would yield the floor to the distinguished Senator [Mr. Clay] who was to follow him.

"In the minds of those who advocated the measure of distributing the proceeds of the public lands to the States, upon the ground above stated, he supposed the reasoning to be that, as the treasury now requires all the revenue it derives, both from the customs and the lands, if the revenue from the lands be taken from it, that from the customs must be increased in a like amount, thus raising the rates of duty upon imports, and consequently adding to the protection afforded by the present laws. His effort

was to show that this conclusion did not follow from the promises, as a necessary consequence, for these reasons.

"A duty, whatever may be its rate, affords no protection, while the importer of the foreign product or fabric, against which the protection is required, holds sole and exclusive possession and control of the market. Such a duty may yield a rich revenue, and fill the treasury, but until its operation commences to be exclusive and prohibitory upon the imported article, it affords no protection to the American competing interest. When it does commence to be exclusive and prohibitory, and thus begins to afford protection, by giving a portion of the market to the domestic interest, the necessary consequence must be a diminution of revenue from that duty in the same degree and to the same extent, the rate of duty remaining unchanged. These seemed to him to be positions too plain to require illustration.

"He then contended that to separate permanently from the treasury a source of internal revenue so productive as that of the public lands, might endanger, instead of aiding, the protective policy, and his reasoning to support this conclusion was, that an increase of the rate of duty might not increase, and might actually diminish the amount of revenue derived from that duty, though the increase of the rate would increase the protection just as far as it should have the effect to diminish importation; that when the diminution of importation should be greater in the proportion than the increase of the rate of duty, the revenue would be diminished, though the protection would be increased; that if then it should become necessary to increase the amount of revenue to be derived from this particular importation, the only way to accomplish that object would be to reduce the rate of the duty, and thus surrender the protection afforded to the necessity for revenue; that to avoid such a necessity, as far as possible, it was the true policy of the interests seeking protection to foster and preserve, and not to squander or give away, every fair source of internal revenue, that the treasury might be made, to some extent at least, independent of importations, and that some duties partially exclusive and prohibitory in their effects might be preserved in a permanent tariff, without producing an empty treasury. That the policy now advocated, of making the treasury

exclusively dependent upon a revenue by impost, must place the protected interests in entire subjection to the necessity for revenue, and, therefore, make it impossible to establish any system of protection which would not be subject to be surrendered to that necessity, whenever the fluctuations of trade and the ever-varying changes of importations should interpose it. That Congress cannot compel, but only invite, importations in any branch of trade, and that, therefore, when our treasury shall be made solely dependent upon revenue from imposts, our system of protection may be placed more within the control of foreign interests than our own, as the former interests must control, to a great extent, our import trade, and may, to a very great extent, our revenues from that source. That while we have sources of internal revenue from which we can supply our treasury, we may, by countervailing legislation, counteract foreign policy hostile to our interests; but when we must have the revenue, we may not be able to adopt the countervailing measures required, consistently with that necessity. And that, the internal revenue from the lands being disposed of, the only means within the power of Congress to escape an entire dependence upon impost were internal excise and direct taxation — means for raising revenue which no man could hope Congress would ever adopt merely to preserve the protective policy.

"Such is a brief outline of the argument he offered to the Senate upon the former occasion referred to, and he would not go farther in a repetition of it now. He did not know that the views were sound, but he thought them worthy of mature consideration before this proposed disposition of the land revenue should be made, upon the ground of favoring protection. He could not so view its tendency, or believe that such would be its practical effects; and, as one favorable to the policy of protection, as incidental to the raising of the necessary revenue for the national treasury, he should find cause for opposition to it on this ground."

Chapter XCI.

Removal of Blair & Rives, as Senate Printers.

Formerly each House elected its own printer. The profits derived from the employment made the position desirable. In the Senate it was an office of trust and confidence, as the holder printed confidential messages, journals and proceedings in executive session. Bonds were given for the faithful performance of duty. In 1819 a joint resolution passed Congress, providing "that, within thirty days before the adjournment of every Congress, each House shall proceed to vote for a printer to execute its work for and during the next Congress, and the person having the majority of all the votes given shall be considered duly elected." On the 29th of February, 1841, pursuant to a previous resolution, the Senate proceeded to elect a printer. Blair & Rives received 26, and F. P. Blair 1, there being no other persons voted for. Blair & Rives were declared duly elected printers for the twenty-seventh Congress. They duly gave bond.

The Senate were convened by the President's proclamation on the 4th of March, 1841. On that day, Mr. Mangum offered a resolution that "Blair & Rives be dismissed as printers of the Senate for the twenty-seventh Congress." This resolution was debated. Mr. Wright thus addressed the Senate:

"Mr. Wright said it was his intention to occupy the time of the Senate but for a very few minutes. They much more frequently than they were aware of, he apprehended, made their conclusions govern their reasons, rather than considered well their reasons and let them dictate their conclusions. It seemed to him that their respected opponents, on this occasion, were

governing themselves by this perverted rule; and it should be the object of his few remarks to show wherefore he pronounced this conclusion. Let them look at the history of the action of this body for the few days of this extra session. On the day before yesterday a vacancy in the office of Sergeant-at-Arms of the Senate was filled; a majority of the body decided — and it was not then his purpose to complain of that decision — that their public duty required that it should be filled. It was not exactly contended that anything in anticipation during this short session required the filling of that office, but that in prospect an extra session might be held and a Sergeant-at-Arms might be required, and the proper performance of the duty of the body was to fill the office then, and it was filled. Now they had a printer to the Senate, and he expected the judgment of the body was about to be pronounced that they should have none, for the form of the proceeding before them did not look to filling a vacancy. What was the argument in reference to the Sergeant-at-Arms? That he should have time to prepare himself for the discharge of his duties, in the case of an early call of Congress. If that was a good argument for the appointment of a Sergeant-at-Arms, could they say to-day that they should dismiss their printer and have none, because the Sergeant-at-Arms was an office requiring preparation and that of printer to the body was a place — whether office or not — requiring none? It seemed to him they should not, and he did not for a moment suppose such a train of reasoning would be indulged in; and yet it was his desire to present to the body the action of the body as it had been, and the action as it was proposed to be. Why was the law of 1819, in the shape of a joint resolution, passed? Because, as he had always been informed and believed, it was supposed that this business of printing required time — that types and presses and hands and paper and ink were to be accumulated, preparatory to the business of Congress — and hence it was that the expiring Congress named the printer for the succeeding Congress. Now (and they were sitting, in his judgment, in a very questionable form to perform any of these acts — but he had no further argument to make on that, for it had been decided by the Senate — sitting, then, he repeated, under circumstances

which rendered the whole very questionable) they were called upon to dismiss — call it an officer if they pleased, or a contractor if they pleased — that agent of the body that was connected with the public business, in relation to whom, in all time past, Congress had supposed time was required; and they had decided, in relation to an officer about whose duties Congress had never before formed any such judgment in either branch, that he should be appointed in advance and have time to prepare for the discharge of his duties. This seemed to him to be the position in which they were placing themselves, and he desired to couple this consideration with the fact, as he believed it, that they were then, for the first time, within the history of this government, sitting as a Senate alone, no Congress being in session — sitting under an extraordinary call to aid an executive in forming his administration — they were sitting with open doors, keeping their journal in the form of legislation, and transacting this business, which no Senate before had ever been called upon to transact. And what had been the justification? That the last session of the Senate, which expired on the third of March, had been guilty of a usurpation and abuse of power in appointing this printer. And was that so? And was it to be so said in that chamber, and to that body? Why, how long had that usurpation continued? Certainly ever since the passage of the resolution of 1819 — twenty years he believed. A few days ago was the eleventh occasion on which the Senate had thus appointed a printer, and was it now discovered, for the first time, and by his respected opponents on that side of the House, that this was a usurpation? He remembered very well, a few years ago, to have seen the same thing done by them; and if it was not a usurpation then, it was not a usurpation now. He did not design to discuss the question of power; it had been better discussed than he was able to discuss it; he merely desired to present to gentlemen the practical effects, and what would seem to him to be the practical deductions. Well, then, so much for the manner in which a dismissal of officers of the Senate, as gentlemen now choose to claim them to be, was proposed to be made at this extraordinary session, and in this extraordinary manner. And now for the time, and particularly as it was applicable to

the resolution on the table. He believed it found its way there on the fourth of March. The President had completed his inaugural address, and had taken the oath of office, but he believed the fact to be that he had not had time to clear the walls of the Capitol, on his way to the President's house, when that resolution was laid on the table of the Senate. There was then most certainly nothing lost in point of time. And the resolution was — what? To dismiss an officer, say gentlemen — an officer of the Senate — and he desired it to be understood that he did not intend to discuss the question whether the printer was an officer or not; for that, too, in the course of this debate, had been fully and clearly discussed by his friends much more ably than he could discuss it himself. He cared not whether the printer be an officer or a contractor, or what they pleased; it was, he supposed, assumed to be a resolution to dismiss a person in the employment of the government by a competent authority, in the form of law. Well, in that inaugural address, and coming from one who ought to be the organ of the party in power — of the party which had placed him on that high elevation, what did he tell them?

"'It was the remark of a Roman consul, in an early period of that celebrated republic, that a most striking contrast was observable in the conduct of candidates for offices of power and trust, before and after obtaining them — they seldom carrying out, in the latter case, the pledges and promises made in the former. However much the world may have improved, in many respects, in the lapse of upward of 2,000 years since the remark was made by the virtuous and indignant Roman, I fear that a strict examination of the annals of some of the modern elective governments would develop similar instances of violated confidence.'

"It would be his duty, by and by, to refer very briefly to what were the pledges, before the election, of that distinguished man, on this particular point; but he did not propose to do it now. He merely desired the Senate to remember that that speech was delivered, and that this resolution followed instantly upon it. And now for the reasons for that removal — because they had seen the manner of the action and the time of the action — and he gathered those reasons as he had heard them given there. Was it that those contractors had failed — for the same individuals who are now the printers to the Senate have been

so for several years — had there been a suggestion of any failure in the performance of their duties as printers? He had heard of none, neither as to the time of accomplishing their labor, nor of the manner of its accomplishment. Then, as to the performance of the trust which they had undertaken to perform for the United States, fault was not found. Well, as individuals, as private citizens, perfectly separate, in every sense, from their connection with a political partisan newspaper, had fault been found? He had not heard it. He had enjoyed a considerable acquaintance with those two individuals for some years, and he owed it to them to say, and he said it cheerfully, that in private life he found them amiable and estimable men, correct in their moral deportment, so far as he had ever seen or heard, and esteemed by the society in which they lived. As connected with their newspaper, he had heard fault enough; he had heard none in any other connection; he assumed that none had been found. Then, how stood the matter? They are the conductors of a political newspaper, and because that paper had been conducted offensively to their opponents, they were to be thus summarily dismissed from the place they held, whether it be a contract or an office. It was, then, a political removal, and nothing more nor less. It concentrates itself in that, and no other aspect, he presumed, would be attempted to be given to it. He had never, in his life, been in the habit of entering into discussions as to the mode of conducting the public press. He hoped never to indulge in them. He knew the press, upon all sides, was conducted with too much looseness; he wished it were better. He was not disposed, on this occasion, to make a distinction between the press on one side or the other; he merely desired to bring this discussion to the point that, for reasons connected with the Globe newspaper — reasons purely and exclusively growing out of the angry political strife of the day — this dismissal was to take place. There the action was based, and if he had understood all he had heard, it was based on that alone, and had no greater extent. Now, having considered the manner of the act, the time of the action, and the reasons for it, let them look a little to the political parties and their relations. And here he must be permitted to say, what he hoped he need not at any time say, that he did not

design to make any remarks calculated to excite. He did not design nor had he any occasion to make any personal remarks; but he had the right, and he believed it was his duty, to state what he believed to be the present history of the country in reference to political parties. And he appealed to every member of the body, and he appealed with as much confidence to his opponents as to his political friends, whether there had been any single point in the last heated and exciting political struggle more distinctly set forth, and more constantly debated before the country, than the point of removals from office for political opinion's sake? Had there been any outcry against the last administration, and the one which preceded it, more commonly raised than that of political proscription for opinion's sake? And how long since was it that he heard, in this chamber, from a most eloquent Senator, now no longer a member of this body, that he had seen officers of the federal government whispering their opinions, because they durst not pronounce them under that proscriptive administration? And while that honorable Senator said this, he repudiated and condemned that proscriptive policy; and he, Mr. Wright, had read to them, from the inaugural address of the President, what he seemed to suppose was to be the practice of his party. He, Mr. Wright, did not charge that on the President — he did not believe, in his heart, that the President had any agency in this matter. He did not intend to condemn the President in advance. He did not mean to condemn any man so; but the country had a right to expect that he was the exponent of the principles and practices of his party. And what now is that practice? An instantaneous removal of a political opponent. A movement made in point of time, he believed, sooner than any movements of such a character at any period of the history of this government, and a movement, as he had attempted to show, and as he believed the fact to be, to remove merely for political cause. He would not, on this occasion, go into the arguments which connected this movement with the public press. He would only ask Senators to pause and consider how long it had been since their printing had been performed by any other contractor than the conductor of a partisan newspaper? Certainly not since the passage of the law of 1819. And what

were they then declaring? That if their printers were the conductors of a partisan newspaper they must 'whisper' their opinions, as an honorable Senator had said, and that they were not to express them boldly and like freemen; that if they proclaimed their opinions in their journal or newspaper, they must meet with dismissal from Congress. Was not that the practical condition? And had they not, then, the right to turn to their opponents and ask them if they were authorized to expect this as the first step of this administration which was to annihilate proscription? He knew the paper spoken of had been a warm political paper; he did not know that it had been any more so than two others, and the only two other prominent journals in this District. And he thought he did know that neither of the persons connected with the Globe had ever committed, either as editors or as men, so flagrant an abuse of the Congress of the country as another editor had committed in a public and official speech, within a few days, in the streets of this city. He would not now either read that speech or comment upon it; but he mentioned it to show that all editors were violent partisans, and that whether writing for their newspapers or in their official capacity, they write with a freedom of language sometimes not tolerated by truth. Could they restrain their licentiousness? Should they, sitting here in that capacity, try? In his opinion they should not. He had already said he should not discuss the question whether the printer of the Senate was an officer of the Senate, or a contractor with the Senate; but this he simply would say, that the argument of an honorable Senator made yesterday, based principally on Webster, did not satisfy his mind. The honorable Senator had argued that an election must produce an officer, and the Senator asked if anybody had ever heard of an election of a contractor. Well, if the honorable Senator would tell him, Mr. Wright, how he could obtain a contractor for even his private business without an election, he would answer his argument. He, Mr. Wright, knew of no other way; and he considered, so far as the honorable Senator's argument was concerned, that it was enough to say that the choosing in this case, or the election, by the vote of the Senate, was merely the selection of a man to perform that duty; and

that instead of imposing it on their Secretary to elect a contractor, as well as to make the contract, the Senate chose to designate the individual, leaving their officer to make the contract with him. And this appeared to be a proper use of the term. Webster said, to 'elect' was to 'pick out, to select from among two or more — to select or take for an office or employment — to choose from among a number — to select or manifest preference by vote or designation.' And the definition of the word 'election' in Webster, was, 'the act of choosing; choice; the act of selecting one or more from others; the act of choosing a person to fill an office or employment by any manifestation of preference, as by ballot, uplifted hands, or *viva voce*, as the election of a king, a president or a mayor.'

"They might as well elect a man to do a job of work as to elect a President of the United States; it was only a mode of designating the individual whom they would put in charge of certain duties. They might designate a person for a certain position, and call him an officer; they might give him a commission and rank, as in the case of a purser in the navy, mentioned yesterday; in another case, they might name the contractor to build their house, or a post-office, or a patent office, or to do their printing. He did not desire, however, to protract this discussion; nor was it necessary, for this point had been argued so much more clearly and ably than he could do it. He would, then, trouble them no longer than to say that his purpose, yesterday and to-day, had been simply to place before this body this subject as it had presented itself to his own mind, and to call upon them to say whether it was in conformity with what should be understood to be the declarations of the President, and whether it was in conformity with the protestations of the party before they reached power.

"And let him say to those gentlemen that we (the late majority) might have done many things wrong, but those gentlemen would be wise not to follow our bad example. And yet we never denied that we preferred to carry on the government, when in power, through the agency of our political friends, than through that of our opponents. They did not repudiate doctrines of this kind; they avowed the doctrines to the extent to which they practiced

them. But what was charged upon them? That they avowed them to the whole extent. Well, look at their practice; and he feared some of the friends of the gentlemen opposite were regretting that they had not gone further. He, Mr. Wright, said this in no ill temper. He had found several of his acquaintances, on visiting this city, were astonished to find such a number of offices filled with what they considered 'good whigs.' Yes, the prizes were infinitely diminished because they had not pushed this doctrine further. They (the late administration) did not repudiate it; it was the other side that did so; and he begged the gentlemen opposite would not lead them into the practice of a doctrine which those gentlemen had themselves proscribed."

The yeas and nays were taken on this resolution, and were as follows:

"*Yeas*—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clay, of Kentucky, Clayton, Dixon, Evans, Henderson, Huntington, Ker, Mangum, Merrick, Miller, Moorehead, Porter, Preston, Rives, Simmons, Smith, of Indiana, Southard, Tallmadge, White and Woodbridge—26.

"*Nays*—Messrs. Allen, Benton, Buchanan, Calhoun, Clay, of Alabama, Cuthbert, Fulton, King, Linn, MacRoberts, Nicholson, Sevier, Smith, of Connecticut, Sturgeon, Tappan, Walker, Woodbury and Wright—18."

So the resolution to dismiss Blair & Rives as printers of the Senate to the twenty-seventh Congress was adopted.

This shows that the political character of that body changed on the fourth of March from democratic to whig. Gen. Harrison succeeded Mr. Van Buren as President. At the next, a called session, Thomas Allen, of Massachusetts, was elected printer to the Senate, he receiving twenty-six votes and no other person any.

Mr. Wright to Elam Tilden.

"Washington, 3*d July*, 1840.

"My Dear Sir.—The President did me the favor to give me, last evening, the perusal of a letter from you to him, and inasmuch as my name was mentioned in it too kindly, I feel bound

to improve a moment of leisure to write you upon the subject. I have been long since advised that some of my too partial friends have felt an anxiety that my name should be placed before the people of the State, as a candidate for the office of Governor. It would be as unnatural as it would be unjust that I should not acknowledge my grateful feelings toward those who have manifested this high sense of my capabilities, and it pains me to be compelled to declare that I am conscious my friends have overrated me in this instance. I further verily believe that at the present time, and in the present state of the public mind in certain portions of the State, I should not be as strong a candidate for this important office as many others who are named as candidates. I have not time, however, to discuss this last question with you, even if it would be proper for me to do it, and I certainly cannot discuss the question of my own capacity and qualifications.

"There are other reasons, however, of a private character, which forbid that I should be a candidate for Governor, and those I am bound to give to my friends, and I give them to you, with the fullest confidence that your fair mind will appreciate them.

"I have been, as you know, in public life almost since I became a man of business at all. I was not worth $500 in the world when I was elected to the Senate of our State, in the fall of 1823. You know what has been my life since, and what has been my compensation in the various and very honorable and responsible situations I have held. I need scarcely say to you that I have really had no private business during the whole period, and my opportunities to make property, therefore, have been merely those which my official compensation have placed in my way. I have lived prudently, or endeavored to do so, and I consider myself now worth about $8,000. Located where I am, and pursuing that style of living which I have always pursued, and having no family but my wife, and owing no debts, I am quite independent; but make me Governor, and it will require from $5,000 to $6,000 to furnish a house for that office in a manner due to the office, an expense I cannot defray without going in debt to three-fourths of the amount. I know from Gov. Marcy that the salary, with great prudence, will just about defray the expenses of the Gover-

nor's house for the term, and cannot be made to do more, the rent being paid by the State.

"At the close of the term, all my property, very nearly, if not entirely, would consist of worn furniture, for which I should have no use, and I should be left without other means, not to live in the quiet and retired manner I heretofore have and now do, but to support the standing of an ex-Governor of New York. In other words, I should be left a political pauper, a character it has been the most anxious effort of my life to avoid. This is one of my reasons.

"The second is not less strong. My wife was taken from the country, has been bred up and always lived there, and is most exceedingly averse to being placed in any situation which shall require of her the discharge of duties to which she does not consider herself fitted, either by education, habit or feeling. Indeed, I say no more than the truth to you when I say to you that she is made unhappy by the slightest agitation of this question. She is a good and faithful wife to me, and I cannot, even for the sake of my political party, make her unhappy.*

"Now, my good sir, I confess that I owe to my political friends everything which a man can owe, but do I owe it to them to waive either of these consequences, much more both of them? I cannot think so.

"Please consider this private, except the conclusion declared, which is not private, and if you think I am wrong, say so to me with your accustomed frankness.

"As I have been compelled to finish this letter in my seat, and in the midst of the transaction of business, you must pardon errors; and believe me,

"Most respectfully and truly yours,

"SILAS WRIGHT, Jr.

"Elam Tilden, Esq."

* Mr. Wright married Miss Clarissa Moody, only daughter of his wife and faithful friend Capt. Medad Moody, of Canton, in 1833, after his first session in the United States Senate. She survived him some years. She was a pupil with the author at the St. Lawrence Academy, when presided over by Bishop Ives, in 1820, where she displayed much talent. Her after life showed her worthy of the above affectionate description by her noble husband.

Chapter XCII.

MR. CLAY'S BILL FOR THE REPEAL OF THE INDEPENDENT TREASURY LAW.

On the 4th of March, 1841, Mr. Van Buren retired from the Presidency and Gen. Harrison was sworn into office as the ninth President of the United States. He lived exactly one month. On his death, John Tyler, Vice-President, succeeded to his duties, and took the oath of office as President. On the seventeenth of March, Gen. Harrison issued a proclamation convening Congress on the thirty-first of May. On the fourth of June, on the fifth day of the session, Mr. Clay, of Kentucky, reported a bill to repeal the independent treasury law, which passed on the ninth, by ayes 29 to nays 18. Apparently by concert, the whigs did not discuss and defend their proposed measure, although attacked with great force and energy by the democrats. The following speech of Mr. Wright, made on the day the bill passed, will explain the grounds upon which the friends of the late administration stood and the dangers apprehended in case effort to repeal should prove successful. In the House, the bill, on the ninth of August, passed by a vote of 134 to 87, and was signed by the President and became a law on the thirteenth. The legal effect of this repeal was to place the public moneys within the unlimited control of the President and Secretary of the Treasury:

"Mr. Wright said: Mr. President, I am not surprised or disappointed that our respected opponents leave exclusively to us the debate upon the final passage of this bill. I know that power is sometimes more anxious to execute its purposes than to give reasons for its course; to do execution than to offer arguments in

justification of the act. I remember, too, that an eminent English judge is said to have advised a friend, about to enter upon the discharge of judicial duties, and not very confident of his qualifications, to decide, but to give no reasons in support of his opinions. I was prepared to expect that the repeal of the independent treasury law was a matter so well settled in the minds of the majority of the Senate, that the passage of this bill, and not the reasons for its passage, without any provision for a substitute, would occupy their attention and govern their action. Of this I have no right to complain, and do not complain ; and I refer to the fact simply to lay the foundation for the apology I owe to the Senate for throwing myself upon its attention, and occupying its time, so plainly against the sense of a majority of the body, and when I know that majority will not debate the question — will not advance arguments in favor of the passage of the bill, or reply to those advanced against it. It is painful for me to speak under such circumstances, and under the deep consciousness of the impatience which must be felt by those whose determination is simply to listen and press the question; and could I make myself believe that my public duty upon the subject would be discharged by a silent vote, I certainly should not interfere to impede for a moment that result, which the majority of those I am to address so earnestly seek, and which I know must speedily be produced.

"I am well aware that the general subject of discussion is an old acquaintance in this chamber, and that not the members of the Senate simply, but the people of the whole country, are supposed to be perfectly acquainted with it. Still, I believe much remains to be said before the vital importance of this action will be properly understood and justly appreciated, in its necessary influences upon the most essential interests of the nation, even here, and much more by the people at large. Hence the imperious sense of duty which compels me to occupy the time and ask the attention of the Senate under circumstances at least as unpleasant to myself as to it.

"I am deeply indebted to the honorable Senator from New Hampshire [Mr. Woodbury] for the able speech with which he has opened this debate, as he has performed a duty which, upon

repeated former occasions, has fallen upon me, that of showing what this independent treasury system really is, and has performed it in a manner better than I could hope to have done. I am thus saved the consumption of time equal to that which he has occupied, and the cause we advocate has received that aid from his powerful mind and practical experience which it could not have received from any effort of mine. In following that learned Senator, I shall repeat as little after him as possible, and keep the course I have marked out for myself; and I will promise to restrict my remarks within the narrowest limits of time consistent with a fair discharge of the duty which impels me to ask to be heard at all.

"It is impossible to discuss the question presented, in the manner in which I propose to discuss it, without direct reference to some substitute to be adopted as a system of finance for the government in the place of the independent treasury system now to be repealed. After what has taken place in the course of the action of the Senate, as in committee of the whole upon this bill, I feel authorized to assume that that substitute, if any be adopted, will be a Bank of the United States of some character. Such is the frankly avowed opinion and wish of the honorable Senator from Kentucky [Mr. Clay], and the votes of the Senate upon propositions to modify the State bank deposit law of 1836, so as to make it again of practical force, seem to indicate that such is the preference of a majority of the body. I shall, therefore, assume that the independent treasury law is to be repealed to give place to a national bank, and shall base my argument upon that assumption. As to the peculiar powers and privileges to be conferred upon the bank to be created, or the place of its location, I care nothing, if it be conceded that two provisions will be incorporated in the charter; neither of which, as I suppose, will be surrendered by the consent of any member of the Senate who intends to vote for a bank at all. The provisions to which I allude are: first, the right and duty on the part of the bank of collecting, keeping and disbursing the public money; and, second, the making the notes of the bank a legal tender in all payments to the public treasury. The first of these provisions is indispensable to constitute the bank the fiscal agent of the trea-

sury, the ostensible purpose for which it is to be chartered; and the second is the only effectual mode in which the credit of the country can be so blended with the credit of the bank as to draw around it the requisite degree of public confidence to enable it to control all the local banking institutions. I will further assume, therefore, as a fact universally admitted by the friends of any form of a bank, that these two privileges will be conferred upon it; and if it possess them, it is a matter wholly immaterial to the argument I propose to offer what other attributes may be given to the institution.

"In the course of the debate, when the bill was in committee of the whole House, some reasons were assigned for this speedy passage of it; and I propose, in the first place, to examine one or two of them, that we may see whether they have in fact the force which those who offered them seemed to suppose.

"The honorable Senator from Kentucky [Mr. Clay] opened his argument with a metaphor, to illustrate the necessity of the passage of this bill as the first step in the important proceedings of this important special session of Congress. He told us, in substance, that the wise architect always pulled down the old building and cleared away the rubbish to make room for the new edifice; and that, in like manner, the Senate should annihilate all existing fiscal agencies before they commenced to lay the foundations of his proposed new and more splendid agency, a Bank of the United States. I admit that this course is sometimes not only wise but necessary in architecture, but I appeal to the candor of the honorable Senator himself to say whether it is of universal application. Suppose he should see the head of a family in this city turn his family out upon the pavement and vigorously commence to tear down the mansion which was their only shelter from the weather and the storm, and, upon inquiry, that head of that family should tell him that the timber for his proposed new house was still growing in the forest; that the bricks which were to form its walls were yet resting in the bank of earth out of which they might be formed; and that the pecuniary means for the erection of the new edifice were yet to be earned by industry, accumulated by some untried enterprise, or obtained by a loan upon credit; would he consider that man a

provident father and husband, or believe that he was following the directions of a wise architect? If this destructive operator should tell the honorable Senator that there were differences of opinion between himself and the members of his family, and between the individuals who composed the family, in relation to the expediency of building a new, and more especially in relation to the size and plan and description of the new building which they should erect, and that he had found it necessary to demolish the old house, and turn them out to the weather, without shelter from the heat or protection from the cold, to force them to unite with him in the erection of his proposed new edifice, the reasons of the man, for his apparently rash course, would be palpable; and still the Senator would be compelled to say that his appeal was to violent arguments to force harmony in his family, and would be forced to admit that his course savored more of resolution than of wisdom, fairness or justice. Suppose further, the members of the family should tell the honorable Senator that the new house was not, in any event, to occupy the site of the old; that the new site was not yet either secured or selected, and that the only point determined about it was that it should be upon a different lot, a different street, and in an entirely different quarter of the town from the old. This would show the absence of all necessity for the demolition of the old building, and would not certainly relieve the act of the head of the family in tearing it down, and turning his family houseless into the public streets, from the character of rashness which it first assumed.

"I will apply the Senator's metaphor, thus illustrated, to the case before the Senate. He insists upon a speedy repeal of the independent treasury law, to give place, as he says, to a national bank, when he does not know, and no man yet knows, that a national bank can be passed by Congress; when he does not know, and no man yet knows, in case a majority of the members of each House of Congress shall be able to agree upon a charter, that it will be such an one as can receive the approbation of the executive. He does know, however, and we all know, that there are differences of opinion between members of the Senator's own political party, not only as to the description of bank to be incor-

porated, the extent of the powers and privileges to be conferred upon it, and the location to be given to it, but upon the question whether a national bank shall be chartered at all, or some other fiscal agent for the public treasury shall be constituted.

"Does he not further know that the bank or other fiscal agent proposed to be constituted by his party, whatever may be its form, and by whatever name it may be called, is not to occupy at all the site of the old building, the independent treasury? Certainly he must know this. The independent treasury is erected upon solid constitutional ground. Its foundation walls are laid strong and deep in that sacred soil. This is a point beyond doubt or question; and I do not suppose any single individual whom I address ever has held, or pretends now to hold, a doubt as to the strict and express constitutionality of the independent treasury system as a fiscal agency for the treasury. Not so with the honorable Senator's proposed national bank. It can only be reared upon the marshes of the constitutional land, if indeed it can occupy so tremulous and movable a foundation within the boundaries of that consecrated territory. Its constitutionality is more than questionable, to use no stronger expression, and its site cannot approach that occupied by the treasury of the Constitution itself. Whence, then, the necessity for razing this old and plain and homely building with such hot haste, because a new edifice is to be attempted in another quarter? The new edifice, I doubt not, if erected, will be more splendid in its architecture, more glittering and showy in its appearance; but the old house is not in the way, and need not be demolished to make room for the marble palace which is to succeed it. Will not gentlemen consent to let this plain and homely building remain, useless though it may be, and untenanted as it surely will be, if a splendid bank is to become the treasury of the people? Will they not, in this instance, follow the worthy example of many of the hardy yeomanry of our country, who, when industry, frugality and prosperity have enabled them to do so, erect new dwellings, enlarged and beautified, but suffer the old log cabin to remain a memento of humbler circumstances, though, perhaps, not of less happy days or honest dealings? Let the same course be pursued as to this independent

treasury law, this old building about to be hastily demolished. It can do no harm, and will be a memorial of a period when the currency of the Constitution was the currency of the law; when money, and not credit, was collected into the political treasury and paid out to the citizens who labored in the public service; when reality and intrinsic value, and not paper promises and confidence, were the standard of value for all our property. This old building may indeed be offensive to the eyes of some of the occupants of the proposed new edifice, but surely we shall not, in that circumstance, find a necessity for tearing it down and obliterating its very foundations, before even the plan of the new building is formed or its site selected. Let, I entreat gentlemen, the old house remain until the erection of the new building shall supersede its use, and then let it still remain, a monument of the wisdom, or the folly, as experience shall decide, of its constructors.

"Another reason which has been repeatedly assigned for the early passage of this bill is the assumption that the decision of the people, at the last fall elections, was against the independent treasury, and demands from their representatives the repeal of the law establishing it. It is said that resistance against the repeal is direct resistance against an express mandate of the people. Is this so? I do not stand here to say that it is not so; but if gentlemen insist that the elections referred to were a decision of the people *against* the independent treasury, in *favor* of what system of finance did those same elections express the opinion of the people of the country? In favor of the now proposed substitute, a national bank? No. So far as my acquaintance extends, that result, from those elections, cannot be established. The presidential elections of 1840 were, in the manner of conducting the canvass, new and singular to the country, and it is not easy to determine what was decided by them beyond the choice of the successful candidates. It is insisted, however, by the dominant party, that a decision of the people against the independent treasury is one point clearly established by those elections. This may be so; but it does not follow that such decision was also in favor of a national bank. This, however, is now assumed, and I will take this occasion to repeat, what I have once

before expressed from my place here, that it may as well be urged, and upon much stronger evidence, that the decision of the people at those elections required of the distinguished individual elected to fill the presidential chair, and of him who now fills it, that they should have declined to occupy the splendid mansion at the other end of this avenue, erected by the people for the use of their President, and should have erected for their official accommodation a hovel of slabs, or a log cabin, upon the beautiful public grounds which surround that proud dwelling of the people, or upon the pavements of the street adjacent; that these high functionaries and public servants should have discarded from the President's house and table the rich and gorgeous furniture which it has pleased the people to provide and supply for the use of their chief magistrate, and should have supplied the deficiencies thus produced by stools and spoons and plates of wood. Would any one now contend that absurdities such as these were decisions of the patriotic and intelligent freemen of this country at the elections referred to? And yet these very subjects were made matters of grave debate in high places, and throughout the popular meetings of the dominant party, during that canvass, and I might add a hundred other topics equally novel and absurd, to which a leading prominence was given by the whig orators pending that canvass. No one will now stand up here, or elsewhere, and contend for the force and weight of favorable popular decisions upon these irrelevant, disgusting and disgraceful issues. All these extravagances of political effort are as revolting to my mind and feelings now as they were when being used as means of popular delusion; and I do not refer to them from any pleasure I take in bringing them back to the memories even of those who participated in the farce, much less those who did not, but simply for the purpose of showing gentlemen, who are now so fond of quoting the popular authority exhibited at these elections in support of their proposed measures, that their issues for that spirited and important controversy were formed much more with reference to success in the vote than to measures of government which should be consequent upon that success; and, as a proof of this position, to remind them that evidences of popular decisions in favor of these

absurd trifles are much more abundant and strong than they are in favor of the establishment of a third national bank.

"Upon this point I speak from some personal acquaintance with the facts. During the canvass referred to, for the first time in my life, I followed the universal example, and traversed a considerable portion of my State to meet and address assemblages of the people upon the political topics of the day. One of my almost invariable efforts, in my addresses to the freemen of the State, was to prove to them that the prominent object of the party opposed to me was the re-establishment of a national bank in close connection with the national treasury and the national credit; and it was almost as constantly as I discussed this point that my assumption of the fact was boldly and confidently denied by prominent members of the whig party, in subsequent familiar conversations with me, and I was assured in the strongest and most earnest manner that I was mistaken as to what would be the policy and measures of the party, if successful at the elections. These conversations were not political disputes but friendly and familiar interviews, and the averments were strong and positive that a national bank would not be a measure of the party. The gentlemen to whom I allude gave me credit for sincerity of belief in the position I attempted to establish, and I accorded to them then, as I do now, credit for perfect sincerity in the declarations they made to me. They honestly believed that their party was not the bank party, and that the re-establishment of a national bank would not be one of its party measures. They conscientiously believed I was laboring under a radical mistake upon this point and had the frankness and candor to tell me so; but a very brief flight of time has shown them and me which was the mistaken party. So much for my personal information upon this point. In addition to it I have the universal and uncontradicted report of the day, that while few, very few, of the leading whigs who traversed the State, and addressed popular assemblies in reference to the pending contest, expressed themselves in favor of a bank or recognized the question as involved in the elections, many of them denied in that bold and public manner that a bank was a measure which either they or their party favored, and denounced,

in the strongest terms, their political opponents for charging friendship for a national bank upon them. And shall it be said, under such circumstances, that the popular decision in a canvass so conducted was in favor of such a bank? I repeat, the position cannot be sustained by facts or history.

"Assume, for the sake of this argument, that the popular decision at the elections of 1840 was against the independent treasury, and how will it stand in this respect by the side of the proposed substitute, — a national bank? This substitute does not rest under one popular condemnation simply. The old bank of 1791 reached the termination of its charter in 1811. The subject of a recharter was agitated, and the popular voice controlled the action of the people's representatives; the recharter was refused and the bank suffered to expire. The second bank of 1816 anticipated the limitation of its charter by the period of four years, and made its application to Congress for a recharter in 1832, pending an exciting presidential election. The majority of the representatives of the people in both Houses of Congress favored the wishes of the bank, and passed a bill for its recharter for a second period of twenty years. The then President of the United States, at the time a candidate for re-election to that high office, returned the bill with his veto, and its passage was thus defeated. He made his appeal against the bank directly to the people of the country, and the bank and its friends joined the issue with alacrity, and manifested no less reluctance than the President to go to trial before the grand inquest of the nation, the freemen, at the polls of election. Never was political issue more distinctly formed, more fully argued, more constantly kept before the eyes and the minds of the people, or more clearly and triumphantly decided; and never was the condemnation of the popular voice more unequivocally expressed than against this second Bank of the United States upon that occasion. This was the second distinct judgment of the people of the United States against a Bank of the United States.

"There has been a third controversy, however, which elicited a third verdict of the same character and tendency. In October, 1833, Gen. Jackson, then having entered upon his second presi-

dential term, ordered the deposits of the public money to be changed from the Bank of the United States to the State banks. This gave rise to the celebrated 'panic session of Congress,' so called, and to the exciting congressional elections of 1834 and 1835. Again, President Jackson and his administration were engaged in the trial of a political issue before the people against the Bank of the United States and its friends and supporters. The restoration of the deposits to the bank was the form of the question, but all will remember, and all must admit that the success of the bank in the trial of that question would have been held and viewed by both the contending parties as equivalent to a recharter; as a step gained by the bank which could not have failed to lead to that result. Hence the desperate character of the contest; but again the bank fell, as signally as in 1832, under the condemnation of the people, and fell to rise no more as a national institution. Indeed, so clear and conclusive were these double verdicts, that the friends of a national bank have scarcely debated the subject, and have not invoked the action of Congress upon it since the last named trial, but on the contrary have frequently declared in these halls that they should not move again with reference to the establishment of another such institution, until there was evidence of a change of the public mind respecting it.

"That time is now claimed to have arrived, and the movement is now to be made; but I trust that I have shown that, in my section of the Union at least, the elections of 1840 were not contested upon this ground, and do not furnish that evidence of a change of the popular will, in reference to a national bank, which authorizes the assumption that the change has been effected, or sanction the establishment of a bank upon the strength of it. If those elections condemned the sub-treasury, they did not relieve a national bank, the now proposed substitute, from its triple condemnation, and it is a more manifest resistance of the expressed will of the people to urge upon them the charter of such a bank, than it is to resist this hasty destruction of the independent treasury, while no substitute is proposed which has not met their more repeated and stronger disapprobation.

"The State bank system has been twice tried — once from 1811

to 1816, and again from 1833 to 1837. I do not know if I can truly say that this system has ever been distinctly submitted to the people and received their verdict. It was put into operation by executive authority upon both occasions, and, though recognized by Congress during the latter period, and made the system of the law, its utter failure upon both trials, and especially upon that ending in 1837, pressed the necessity of instant new legislation, and thus brought on the existing controversy between an independent treasury and a national bank, almost without reference to a third system. Yet the very small number of representatives in either branch of the national Legislature who have, since the suspension of the banks in 1837, favored the system of State bank deposits, authorize the inference that there is now but a comparatively small party in the country who adhere to that plan of managing the finances of the government, as preferable to both of the others which have been considered; though there may be very many who consider it, unfortunate as it has hitherto been in practice, preferable to the one or the other of the different systems.

"The present President, in his message, tells us, boldly and manfully tells us, that all these three systems of fiscal agency for the treasury have respectively met the condemnation and rejection of our common constituents, the people of the country. Can it be, then, that a necessity presses itself upon the Senate — growing out of the obligation to obey the popular voice, the public will — to sweep away one of those systems for the purpose of putting in its place either of the others, equally repudiated and equally condemned by the people? But no, I ought not to say *equally* repudiated and condemned, for such is not the fact. A national bank has been tried for the term of forty years, and, as the result of that thorough and patient trial, has met three distinct condemnations from the ballot boxes. The State bank deposit system has had two separate trials, the one of five and the other of about four years, and has made, within those short periods, a perfect failure upon both occasions. The independent treasury has not been tried. The law establishing it was passed on the fourth of July last, eleven months and five days from this day, a time insufficient to put the system into perfect operation,

much less to give it a fair trial and test its merits and defects. The provisions of the law bring it into gradual operation in its principal bearing upon the currency, and time has not yet elapsed sufficient to make an advance of a single step in the progress of the law toward a sound and stable and uniform currency of intrinsic value. It is not, then, under *equal* condemnations that these systems rest. The two former have repeatedly condemned themselves and been condemned by the people, after fair, full and patient trial; and the latter, if condemned at all, has met that condemnation at the hands of political opposition, not as the consequence of experimental defects or evil tendencies; and is to be cut off, repealed, destroyed, without trial and without a substitute. What fault has been found with its operation hitherto? Have the sound, solvent business merchants complained from anything but apprehension? Has the short experience which they have had confirmed their apprehensions? Not that I have learned or heard, though I have heard much which goes to prove the reverse. Yet, sir, the old building must come down. A bank palace is to be erected, and though the old site is not wanted, and cannot be occupied, the structure upon it will be unseemly to the tenants of the new mansion, and it must be razed to the ground, and its foundations, which cannot be dug up and destroyed, must be covered over and ornamented, so as to conform, in appearance at least, to the new system.

"So much for the reasons which have been offered for the speedy passage of this repeal bill, based upon the necessity of tearing down and clearing away, to make room for the new 'fiscal agent,' a Bank of the United States, as the honorable mover of the bill tells us, and, upon that assumed command of the people which requires at our hands the demolition of their treasury, constructed upon constitutional principles, that such a bank may be erected, not upon its ruins, for that can never be, but as its substitute and keeper of the people's treasure.

"I will now examine, as briefly as I may, the action and tendencies of these two systems of finance for the nation, upon certain great and leading public interests, governmental and popular. And first, the natural action and tendencies of the two systems upon the currency of the treasury and the currency of the country.

"The currency of the independent treasury, if it shall be permitted to go into full operation, is gold and silver, the currency of the Constitution alone, the standard of currency established by that instrument; it is a currency which cannot be raised in value at will, or depreciated; which cannot be expanded at pleasure, or contracted to promote particular interests or peculiar views; the graspings of private interests or the objects of corporate or political ambition. It must constantly have the uniformity both of value and quantity which the trade of the world will allow. It must be regulated by those laws which regulate the trade of the world, and these are the laws which must govern our controlling markets, and the value of our property seeking a disposition in commercial channels.

"The currency of a national bank is the paper promises of the bank to pay, manufactured by the bank at pleasure, possessing no intrinsic value, subject to be expanded or contracted — and consequently to be raised in value or depressed — at the pleasure of the bank and its managers; is not necessarily governed by the laws of trade, either as to its quantity or value, and never can have the uniformity which those laws require for a safe and salutary medium of exchange.

"The currency of the independent treasury system is a standard of money of exchangeable value, as stable as the standard of weights and measures; established by this government in conformity with the express requirements of the Constitution, like the standard of weights and measures, and furnishes a uniform measure of value, as well for the currency as the property of the people. The power given to Congress over the three standards is the same, and the grant is contained in the same clause of the Constitution. It is to be found in the fifth clause of the eighth section of the first article, and is in the following words:

"'The Congress shall have power to coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures.'

"And is it less important to every great interest in a commercial country that the standard of value should be stable, uniform and true than that the standards of weight and measure should be? The latter are measures of quantity, and the former is the measure of value; and why do we wish to be accurate in mea-

suring the quantity but in reference to the value of the commodity measured? Surely, then, if we measure quantities as a mere step toward valuation, the measure of value should be, of all things, accurate and true. And can that be a true measure of value as an open, exchangeable currency — passing from hand to hand by mere delivery and without reference to the responsibility of the payers — which has no value in itself and simply purports to be the representative of value which is not present? Such a currency cannot be a standard, but requires a true standard for the measurement of its own value.

"How is it, then, with the currency of a national bank, in this aspect of the case? It is its own paper, its own promises to pay; a standard of value entirely artificial and arbitrary, unknown to the Constitution as money, and certainly as a standard of money; wholly destitute of intrinsic value; held, controlled and regulated, not by the government of the people, but by the interested officers of the bank; can be expanded without comparative cost, and contracted without comparative loss; is subject to be raised and depressed in value, not by the laws of trade alone, but by the whims and interests of the managers of the bank, and by panics and passions and prejudices in the public mind. Such are some of the differences between the currency of the independent treasury system and the currency of a national bank of issue and discount.

"Again: The natural action and tendencies of the independent treasury system are opposed to the contraction and continuance of a public debt of any character. Its officers are paid by stipulated salaries, and their direct interests are to diminish, as far as may be in their power, their responsibilities and duties. Large collections of money, to be received and kept and disbursed by them, would increase both; while a debt would add to the necessary collections and payments in exact proportion to its amount. It would further add to the duties and responsibilities of these officers through the necessary process of management, such as the multiplication of accounts, the necessity of transfers, the complexity of calculations, and the like.

"A large debt, too, would increase the necessity and the danger of accumulations of coin in the public vaults, as the sums to

be paid for interest or principal would have to be accumulated against the day of payment, at the peril of the public credit, and serious evils might be visited upon business men and the local banks by the hoarding thus rendered imperiously necessary. Such a consequence, and even the apprehension of it, would array these interests against the contraction or continuance of a heavy debt, as would every natural tendency of this system.

"Not so with a national bank. Its natural tendencies would all be in favor of a national debt of a permanent character. The management of the debt, as the fiscal agent of the treasury, would give it a hold upon the government and the country, strongly calculated to secure its own perpetuity. The stock which should compose the debt would present the most convenient and desirable investments, upon occasions, for its capital and surplus means. A trade in the stocks would frequently present greater inducements of profit for the employment of its extensive means, than ordinary bank loans; while its foreign operations, in exchange and otherwise, would be greatly facilitated by the ability to command a government paper, which would answer its purposes for remittance abroad instead of the precious metals; for we must not delude ourselves with the idea that we can give to a national bank, by our action, a credit which will make its notes current, as money, in a foreign country. Another consideration which overrides all the rest, and which will ever make a national bank in this country, if not in all others, favor the existence of a permanent national debt, is this: the bank, as the fiscal agent of the treasury, must manage the debt. Through that management, when the debt is large, it can control the public credit of the country, and by its command of the public credit it will be able to control the government of the people, and even the people themselves, and in that way render its existence and its power secure and perpetual. What gives to the national bank of England its strength and durability; its power to command a recharter at pleasure, and to dictate the value of money and the measure of credit to the British nation itself? Its hold upon the government through their great national debt. The capital of the bank is a part of that debt, and the management of the debt, and the delicacy and impor-

tance of the credit of the nation, by reason of its immense indebtedness, places the government in the power of the bank, and compels it to move in subserviency to its interest. What is true in England will be true here, under like circumstances, and a national bank in the United States will be just as much strengthened by a national debt, and be just as anxious for the existence and permanency of such a debt as is the national bank of England. Indeed, I have long been convinced that a national bank cannot be long sustained in this country, and under our present institutions, without the aid and support of a large coexisting national debt.

"The independent treasury will bear an equally favorable comparison with a national bank as to the natural action and tendencies of each upon another point of great public interest. I refer to the subject of taxation. Every tendency of the independent treasury system must naturally be against excessive taxation of any description, and in any form. Any policy or course of measures calculated to accumulate a surplus revenue in the treasury of the United States would render that system burdensome and oppressive upon the people, and upon every business interest of the country, because it would, to the extent of the surplus, withdraw the precious metals from use, to be hoarded in the public vaults. The system being preserved, therefore, such policy and such measures could not fail to attract the attention of the business community, and to become unpopular; the only consequence which, under our free representative institutions, need to be produced to insure their abandonment and repeal. This necessary and unavoidable tendency of the independent treasury system has ever appeared to me one of its greatest merits. If continued in operation, it will be sure to relieve us forever hereafter from extravagant tariffs, excessive taxation and surplus revenues; evils under which the country has suffered most severely within the last ten years, and which powerfully contributed to bring on the excesses in trade, in banking, in credit and in speculations, which immediately preceded and necessarily produced the present revulsion, depression and derangement in our trade, our commerce and our currency. A perfect defense and protection against these excesses for the future, and against the certainly consequent collapse, should be

an object of the first importance with the statesman; and the fact that the independent treasury system must, if continued, prove to be this defense and protection, ought strongly to recommend it to every man of property or business, and most especially to the great commercial interests.

"Not so the bank system. Charged with the collection, keeping and disbursement of the whole public revenue, for no other compensation than the profits to be made from the use of the money of the people while remaining in deposit, that a national bank will favor precisely that course of policy and those measures which will bring the greatest amount of money into its vaults, and consequently the greatest amount of benefit to its interests, must be just as true as that the officers of a bank will consult their own interests, and the interests of those who employ and pay them, or that the stockholders of a bank will prefer large to small dividends upon their stock. A surplus revenue is, to such an institution, a permanent deposit, a permanent increase of its banking capital; and the head of the institution can always tell, quite as accurately as the head of the Treasury department, what rates of taxation will simply meet the appropriations of Congress, and what rates will be sure to leave a beneficial surplus of revenue for the uses of the bank. Can any one doubt, then, which of these rates the influence of the bank will be exerted to produce? The natural tendency will be toward the rates which will produce the surplus; and that will be the practical tendency so long as a money corporation shall be the agent to exert the influence. The conclusion is unavoidable. The business of the bank is to make money for its officers, managers and stockholders. The desire to be connected with the government, as its fiscal agent, springs solely from the expectation of profit to be derived from the extended powers conferred, the strong credit imparted, and from the use of the money of the people deposited; and it would be absurd to believe that the influences of the institution are to be so exerted as to defeat the very objects of the connection. The bank, therefore, must favor that system of taxation which will draw the greatest amount of money from the pockets of the people to its vaults, under the name of revenue, to be collected, kept and disbursed by it.

"Other inducements, however, besides that of the mere profits of banking, increase this tendency of a national bank to favor taxation. Next to the desire of immediate profits, is the desire for perpetual existence, on the part of these money corporations, and everything which extends their power over debtors, their means to accommodate more borrowers, and to enlarge the limits of their money power, increases their security, strengthens their hold upon the people, and adds to the chances of the extension of a limited charter. Indeed, the experience of the past has shown to us that, when the amounts of surplus revenue in the vaults of a bank are large, and its necessities pressing, other uses than ordinary bank loans can be made of the money of the people to influence the action of the people and of their legislative assemblies. Portions of the press can be bought up and controlled. Mad speculations can be set on foot and stimulated. The purity and integrity of the ballot box can be secretly but fatally assailed. The action of the State Legislatures, if not the action of the national Legislature, can be experimented upon, if not successfully influenced, by such means in such hands. And certainly the Senate will not be disposed thus hastily to destroy a safe and salutary fiscal system, to substitute another, for the accomplishment of objects like these; nor will they be willing to draw money again from the pockets of the people for such uses. I will not say that a future bank, now to be created, will indulge in such practices, but the daily developments of this present period are contantly showing to us that the late Bank of the United States has indulged in them; and more, that a main cause of its present ruin and prostration is the appropriation of the means in its hands, public and private, to break down the local banks of a single State. Such regulation of our banks and our currency ought not to be desired by any interest, or any party; and what security can we have that what has so recently been may not again be brought about, if we voluntarily reconstruct the same dangerous machinery? We have seen what its natural tendencies are, and what its action has been, and have we any foundation for saying that either will be different in future? It seems to me not.

"I will now examine very briefly the action of these two sys-

tems of finance upon credit. Here the greatest benefit is promised, and seems to be expected, from a Bank of the United States, and the greatest injury apprehended and feared from the independent treasury. What must be the action and what the tendencies of each? The independent treasury system must, from its nature and the necessity of the case, act as a restraint upon the excesses of credit, and therefore, in that sense, prove a salutary regulator of it. Using no credit itself, when it shall have reached its perfect operation, it must constantly hold up before the banks, the merchants, the brokers, the business men of all classes, a sound and uniform standard of currency of intrinsic value, a standard by which alone the value of all credits, as well as all property, ought to be and must finally be measured. It stands in the whole country as do the weigher and gauger and measurer in the marts of commerce, and brings all commodities to their true standard of value, as do the latter to their true standard of quantity. The apprehension is that it will prove too rigid and severe a regulator of credit, but no experience from its action has, as yet, confirmed this fear. Why should it continue? The currency of this system is the standard of truth, and none but false credits need apprehend injury from a trial by it. If the credit be in fact, what every credit ought to be, a representative of intrinsic value existing anywhere, this standard of intrinsic value will strengthen and confirm it; but if it be a false credit, the mere representative of imaginary value, having no real existence, the standard will be precisely the one which every great interest of a commercial country requires; the regulator, and the only one which can preserve soundness and uniformity in trade, by distinguishing the sound credits from the false, and strengthening and confirming the former, while it discredits and drives out of the market the latter.

"How is it with the national bank in these respects? Under the systems of banking which universally prevail in this country, a bank may be not inappropriately defined to be incorporated credit, and a national bank may be as appropriately considered a monopoly of incorporated credit. I am aware that here rests one of the great merits of such an institution in the minds of those who favor its establishment, and that here I am to meet the

strongest resistance from our talented and respected opponents. They consider the great value of a national bank to consist in its power to regulate credit, and especially to regulate a currency of credit. I must tell the gentlemen that the power and the will to do are very different things, as well in a money corporation as an individual. They may give great powers to a bank, and all great powers may be used for the accomplishment of great good, if the will and the wisdom exist and act with the power; but Congress cannot give the will or the wisdom, and the dear-bought experience of our country, with two former banks, proves that these properties are not naturally united, or likely to act together in a money corporation. I know that the late bank has sometimes proved a severe regulator of the credit of weak institutions and single individuals, in small and ordinary transactions, and that it has been accustomed, in such cases, to take to itself the lion's share; to extend its profits by restraints imposed upon their business. These, however, have been, in a natural sense, small matters. In the great floods and ebbs in the tides of trade and commerce and credit, where has that giant institution been found? As a regulator of credits and a safeguard against excesses and revulsions? No; but as the great leader and promoter of the expansions and overtradings and speculations, and then of the consequent revulsions. Look at 1819, 1825 and 1834 for examples. In all great irregularities, the bank was usually the first to move, to expand, to practice excesses itself and promote them in others; and when the gale had reached its height, it was usually the first also to sound the alarm, to countermand the course, to take in sail and fly for the harbor, resting upon the strength of the credit of this government and the revenues of this government to keep it afloat and bring it to land, and entirely regardless of the wrecks and ruin and destruction of local banks and private merchants and traders left upon its trail, and which must strew its track toward self-security. So long as that institution continued to hold the revenues of the United States and the credit of the United States, it could practice these irregularities in comparative safety; but when both were surrendered by compulsion, and, with the same name and same capital, under a State charter, it undertook these bold flights, it too fell among

those which had formerly been its victims, and now remains dead and motionless, the worst wreck upon an overburdened shore.

"These irregularities and evils of the two former Banks of the United States which I have pointed out, and from which the country has so severely suffered and is now suffering, are not mere incidents, the effects of particular times and circumstances. They are intrinsic, and their causes are to be found in the very nature of a moneyed corporation, managed by private cupidity, and having for its support the vast credit and revenues of this mighty nation. The experience of the country is ample upon this point. The power and will of a national bank to regulate our trade and credit and currency has been abundantly tried; and has the business world been free from expansions and contractions, excesses and revulsions, under such regulation? Have there been no reckless speculations on the one hand, buoying men up with hope to-day, and no consequent revulsions and depressions on the other hand, sinking them in embarrassment and distress and bankruptcy to-morrow? If such has been the experience of the past, what better can we expect from bank regulation, without any other standard for the future? If uniformity and stability and soundness and true value have not been the fruits of the former banks, upon what principle are we to expect such fruits from another institution organized upon the same principles, and holding in its very nature the same inherent evil tendencies?

"And what, Mr. President, is the system now to be repealed to give place to this bank regulator? A system which, so far as its action can go, will supply to all the business men of the country a currency of uniform and intrinsic value; a currency subject to no other fluctuations, either of quantity or value, than are incident to the trade of the world; a standard and touchstone by which the property and credit and business of every man in the nation may be tried, and must finally be governed, in spite of all our acts and devices to establish for our country alone an artificial and fictitious standard of value. The standard now to be superseded is that of gold and silver, the money of the civilized world, and the standard of value of the civilized world. The independent treasury uses those metals as money, at their intrinsic value in the markets of the world, and thus used they constitute

a uniform standard of value for the banker, the merchant, the broker, the farmer, the day laborer, for every class and description of our citizens, wherever located, and whatever employment they may choose to pursue; and it is a standard held in the hands and regulated by the will of the Congress of the United States, composed of the representatives of the people, and in strict conformity with the Constitution of the United States.

"Repeal this system and substitute a national bank, making its notes a tender in all payments at the public treasury, and the standard of value for the country, so far as the action of this government is concerned, will be the notes of the bank, a currency of no intrinsic value, held in the hands and regulated at the will of the managers of the bank; subject to all manner of fluctuations, both of quantity and value, at the will of those managers; liable to depression and destruction as well from panic, passion and prejudice as from real and stable causes, and dependent both for its uniformity and permanent value upon the stock of public confidence which can be drawn around it. Such is the currency and standard of value which the Senate is now called upon to prefer, and for which we are to throw away one of inherent value, of permanent uniformity, — the currency dictated by the fathers of the Constitution for the protection of every citizen and the prosperity of their country.

"Will gentlemen consent to destroy, at a single blow, a system of finance for the government promising results such as I have briefly and imperfectly described, possessing tendencies inherent in its action such as I have pointed out, and trust themselves to darkness and doubt for a substitute? Or will they exchange such a system, yet almost wholly untried, for one whose evils have been demonstrated by experience and are already daily staring the whole country in the face? Will they abolish a system established by the authority of law and now in successful operation, when no man can say that such a substitute as I have anticipated and attempted to describe is within their reach? To return to the metaphor of the honorable Senator from Kentucky, will they insist upon tearing down the old house for a berth upon the pavement or in the fields? To do so, in my judgment, is wholly unnecessary and will be most unwise.

"Another consideration connected with the speedy passage of this bill, for the avowed purpose of following its passage by the establishment of a new national bank, is well worthy of the serious consideration of those who press it forward. Quiet and confidence in relation to the validity of the charter of a bank, to its solvent condition, to the integrity of its management and its fidelity to all its obligations, are indispensable to the success and prosperity of such an institution, organized upon the principles which characterize the banks of this country, and which doubtless will be the leading principles of the charter of any new Bank of the United States now to be proposed. It is a fact perfectly well known here, and everywhere, that a very large minority — not to say a majority — of the statesmen of this country and of the people of this country entertain a settled hostility against the creation or existence of any such institution, under the authority of Congress. They all believe a national bank calculated to bring evil rather than good upon the people and the country. They believe its tendencies, in a pecuniary sense, are rather to derangement and irregularity and rottenness, than to stability, uniformity and soundness. They believe that, in a political sense, it is the most dangerous power which can be connected with or engrafted upon this central and common government. And a very large portion in their consciences believe that the Constitution of the United States does not confer upon Congress any power to charter such a bank. Now, do gentlemen suppose, or hope, that the mere vote of a bare majority of the members of each House of Congress, and the signature of the President, if that should be yielded, in favor of such a charter, would put an end to this settled and long-existing hostility, to these deep and fearful apprehensions so freshly and fully confirmed by the developments daily making as to the practices, financial and political, the vices, the crimes, and the utter insolvency of the late Bank of the United States? Can they for a moment suppose that that numerous party, the members of which hold the constitutional opinion I have mentioned, will surrender that opinion upon the mere exhibition of a paper charter thus sanctioned? That they will hold such a charter constitutionally valid, and not only free from their unceasing hostility but justly calling

for their support and confidence? I presume the minds of a majority of the members of the Senate are already made up to vote for a national bank, and I certainly mean no disrespect toward such when I entreat them to pause, before they sweep away a system of unquestioned constitutionality to make room for one open to such broad constitutional doubts and such widespread and deeply settled hostility. I am sure, if they reflect, they cannot make themselves believe that a mere charter upon the statute book, having the ordinary forms of law, can possess that talismanic power necessary to surmount these almost insurmountable obstacles, and to draw around it that broad mantle of public confidence entirely indispensable to enable it to regulate the paper currency of this country, and sustain its notes as the standard of value in the trade of the nation. If any Senator possesses a faith in a bank charter so strong as this, such a faith is unknown to me.

"Again, we are told that a new national bank is to be that great healing measure which is to relieve every distress in the pecuniary affairs of the whole country, to elevate the prices of property and labor, and to make money everywhere current and plenty. How is it to effect all this? All men of all parties now agree that we have in the country a large excess of banks. The complaint is that they have been unfortunate, or improvident, are unable to meet their obligations, and have lost the public confidence. Can Congress remedy this state of things and restore confidence to these crippled and prostrate institutions, by adding another great bank to the list? For we must not forget that, except in so far as the national faith and credit may be embraced in the charter, and the national revenues shall be made capital for its use, such a bank will be no better than those which now exist. There is no charm in a mere charter from Congress superior to that which a State Legislature may impart.

"Suppose, however, the experiment must be made, and what must be the practical and immediate result? Say it is to be a bank with a capital of $50,000,000 (the least amount I remember to have heard named in this chamber as a suitable sum for the object), and the first step is to aggregate this $50,000,000 from

the existing capital of the country. The instant effect of this movement must be to double the existing pressure upon the already crippled local banks and their embarrassed customers. The valuable and most stable deposits must be withdrawn from these institutions, in the shape of gold and silver, or their equivalent, and their discount lines must be contracted, and their debtors made to pay in a currency equally valuable, that the capital of the new bank may be realized. The effect of aggregating so vast a capital in coin, or its equivalent, at the present period of depression in our trade, and business, and banking, must be to bring everything to a stand still; and for how long a time?

"What time do gentlemen suppose will be required to collect $50,000,000 of real money capital in times like the present? I ask the question, because I will not presume that it is contemplated, at this advanced period in our experience in banking, to put a new bank into operation, without the previous payment of its entire capital. That mode of banking has been long since tried and exploded in my own State, and I trust is not now tolerated anywhere. The first step in the process, therefore, must be to obtain the entire capital of the new bank in money. Here I may and probably shall be told that foreign capital will seek the stock, and thus relieve our own banks and business men from the pressure I anticipate. This may be so; but I must think, if we are to wait until English or French capitalists part with their money for the stock of another Bank of the United States, we shall be compelled to wait until the *vacuum* produced in their pockets by investments in the stock of the late bank has been more filled than it is at present, or is likely to be from the proceeds of their interest there. Whether the same considerations will influence our own citizens, who have money to invest, is a matter worthy of consideration by those who rely upon such a bank for relief to the country and a safe and practical fiscal agent for the treasury. I do not wish to express an opinion upon it. It is enough for my purpose that, if they do take the stock, the immediate consequences to our banks and business men which I have described must follow, from the withdrawal from the current business of the country of their capital for the new investment.

"This is no imaginary picture. It must be the first result of this measure of relief. There is no man at all acquainted with the subject who does not know that the location of a new State bank in any of our trading towns produces an immediate and temporary pressure upon all the banks and business men of the vicinity. The capital of the new bank must be accumulated, and that can only be done by a change of the amount of money required, from old to new channels, from the customers of the existing banks, principally, to those who shall become the customers of the new bank. This, however, in the case supposed, is a local and limited operation, but the establishment of a new national bank must affect, in the same way, to the extent of its capital, the whole Union; and if that capital be fifty millions, the local banks of the Union must curtail their accommodations to about that extent, unless the credit of this government shall be resorted to and a debt imposed upon the whole people, to raise the money, and thus avoid this unpleasant consequence.

"Suppose, however, the capital of the new bank aggregated, by whatever means, and at whatever sacrifice to the business interests of the people or the credit of the country. Then comes the second step in the process. The great national bank of fifty millions is ready to commence its operations of banking, and wants customers. All the local banks are restricted to the utmost of their power, from the necessity of parting with the capital for the new national bank, and from the fear of its power when put in operation. They too, therefore, want customers. The national bank leads off with free issues and liberal discounts. The local banks feel the impulse and follow the example. A general expansion of the paper currency ensues. Money becomes plenty and cheap, and property and labor dear, and foreign property and foreign labor rush in upon us to restore the equilibrium, taking from us in exchange for both, not our expanded and cheapened bank paper, but our gold and silver, equally cheapened in our markets by our legal establishment of the paper standard. This state of things will continue for a short period, deluding us with the idea of unexampled prosperity, and the excesses may even reach those of 1835 and 1836, though I sincerely hope not.

"Then must come the third step in the natural action of this

great credit system. The national bank, having got out its vast capital and extended sufficiently its issues, will commence the countermarch, and, leaning upon the credit of the nation and the public revenues, it may sustain the consequent revulsion. The local banks must follow without such aids, and the scenes of 1819, of 1825, of 1834 and of 1837, must again be visited upon them and their customers, perhaps with increased severity. Such is the promise which experience holds out to us from the establishment of a new national bank as a measure of relief to the treasury of the people and to the people themselves, while repetitions of these fluctuations is all the uniformity to be hoped for from a system of currency based upon a paper standard, held and controlled by the managers of a bank.

"Another suggestion could not fail to strike the minds of all, when viewing this hasty action. One of the most constant and universal complaints against the two last administrations, by their opponents, was that of eternal agitation and constant change in our financial system, and under that complaint those administrations suffered severely, though I believe unjustly. This complaint commenced with the veto upon the bank in 1832. It was redoubled upon the change of the deposits in 1833; and the agitations in relation to the adoption of some system by which the public moneys might be brought more immediately within the custody of the law, between that time and the passage of the deposit law of 1836, extended and confirmed it. That law had not been in operation one year when the system of finance organized under it broke down, apparently by its own weight, and again change and agitation became indispensable. The independent treasury system was recommended by the President and the fiscal officer of the government, and, not meeting the approbation of the then Congress, constituted the subject of continual and heated discussion before the country until its adoption in July, 1840. During all this period every obstruction was thrown in the way of any other settlement of the difficulties than by the recharter of the old national bank, or the establishment of a new one, by all those who favored the existence of such a bank; and yet they were among the loudest in their complaints of agitation, confusion, absence of law and eternal change. What do

these same gentlemen now propose to do? The independent treasury law was passed on the 4th of July, 1840. It is going into gradual operation without any particular hardship upon any interest, but has not yet reached its complete effect, much less been allowed time for a fair and reasonable trial; and already the system must be changed by the action of the very men who have complained so much and so long of change, change. Not only so, but this law must be instantly repealed, without even an attempt to adopt a substitute, thus again throwing the public moneys upon executive discretion, and opening again the whole vast field of national finance for a repetition of the agitations which prevailed from 1833 to 1836, and again from 1837 to 1840.

"And why is this proposed to be done? Gentlemen do not leave us in doubt as to the answer to this question. They show us that it is to force Congress and the country back upon that old system which has been most patiently and effectually tried, and most clearly and unequivocally condemned by the people — a national bank, connected with and resting upon the credit and revenues of the country. This may be reform, but to my mind it seems very much like reform in a circle. Will gentlemen look back to 1832, see what was then the state of the public mind as to a Bank of the United States, and carefully weigh every manifestation of popular feeling touching such an establishment, from that day to the present? They will find at every step a great and powerful interest struggling earnestly, but struggling hopelessly, for the attainment of this result; so hopelessly that, even at the elections of 1840, the then opposition, now administration party, dare not avow before the people that the establishment of a bank was a settled and favorite measure of their party. Will they turn their minds to what have been their constant complaints, and the constant complaints of almost all business men, during the long period referred to? These complaints have uniformly been of agitation and change. The emphatic language of the business community has been, 'give us any settled system, but let us not be harassed by these perpetual changes. We will conform ourselves and our business to any system you may devise, if you will only allow us time to try its merits and understand its action.' And yet now, before a new

and untried system has been in operation a twelvemonth, the very party which led this complaint of constant and eternal change, insist upon still another change — upon the instant repeal of this new system — and upon going back to the point of departure in 1833, to start round the circle again. If gentlemen can see stability, uniformity, quiet, upon this path, I confess they can see what I am not able even to hope.

"A few words more, Mr. President, and I will relieve the Senate for the present occasion. So much has been already said upon the point I am about to touch; it has been so distinctly presented and argued by the honorable Senator from Illinois [Mr. McRoberts], in his resolutions for recommitment with instructions, and the sense of a majority of the Senate has been so unequivocally expressed in the vote upon those resolutions, that, but for a most imperious sense of duty, I should pass it over altogether. The point is this: In what situation will the repeal of the independent treasury law, in the form proposed in this bill, leave one portion of the public money, the instant the bill shall be approved and signed by the President? I refer to that portion of the money in the hands, and to come into the hands of the Receivers-General at Boston, New York, Charleston and St. Louis. I take these officers because I can make the argument I wish to present clearer by so doing, as they hold no other offices, and are charged with no other duties than those of receivers, keepers and disbursers of the public revenue. In their cases, therefore, I get rid of the confusion of ideas which seem to me to have embarrassed the former debate by coupling the collectors of the customs, receivers of money for lands, treasurers of the mints and the like, who hold other offices, have other duties to perform and give other official bonds under other and different laws. I ask, then, what will be the condition of the money in the hands of these four 'Receivers-General,' the moment after this bill shall have received the signature of the President and become the law of the land? There can be neither doubt nor question that the moment the law creating their offices is repealed the offices they hold will drop from them, and they will become in fact and in law private citizens, entirely discharged from all future official responsibility. What, then, I repeat, will be the condition of the money in their hands, or which shall come into

them, before notice of this law can reach them? I will take the Receiver-General at New York, the nearest point, for an illustration. That officer must be daily receiving very large sums, say twenty, thirty, fifty thousand dollars, and on some days vastly more than the highest sum mentioned. The persons required to pay over to him are numerous, and the collections of some of them immense. The balance in the hands of that officer, too, must always be considerable. I have made inquiry upon this point, and find there is seldom less than one or two hundred thousand dollars and sometimes half a million. Two business days, at the least, must elapse, after this bill shall become a law, before notice of the fact can reach him and those whose duty it is now to pay money to him. For those two days he continues to receive and pay money, ignorant of the fact that he is a mere private citizen, without rights or obligations as a public officer. The notice of the repeal of the law reaches him, and finds him in the possession and occupancy of an office rented by the government for the use of a public officer who has not, and has not had for two days, any existence. He therefore has no further right there. His strong-box is in the vault and the keys in his pocket. He makes an examination and finds that the balance of money in his charge at the moment his office ceased was, if you please, $100,000; that he has received since that period, and before the notice of the repeal reached him, $100,000 more; and that he has paid upon the drafts of the Treasurer of the United States, within the two days of his action without office, $50,000; leaving a net balance of money in his keeping of $150,000. What is he to do? No man is now or has been for two days responsible, as his surety, for his conduct; his office is gone, his salary gone, and this money is in his hands as a private citizen, without fault on his part. If he be an honest man he will lock the box and lock the vault, and keep carefully the keys and the money until the Secretary of the Treasury shall tell him what disposition to make of all; but if he be willing to help himself and be flush of money, without any other liability than that of a civil suit in the name of the United States against him, as a private individual, for money had and received, he may put the money in his pocket and go where he please, and make what disposition of it he please. So at Boston, Charleston and St. Louis, with the important and much stronger

exception as to time. The notice, I suppose, might reach Boston in three days, Charleston in four or five days, and St. Louis in from ten to fourteen days; previous to which several periods these individuals, at these respective places, would be discharging the duties of offices not in existence.

"It has indeed been suggested to me, since I came into my seat, that their acts would be void and that payments of money to them would not discharge the payer from his liability to the government. This is, no doubt, technically true in the law; but would it afford any beneficial security to the public treasury? Would anybody, anywhere, attempt to enforce such a liability against a faithful officer in favor of the government,—a liability incurred through no fault of his, but through a voluntary act of the government which he could not by possibility have received notice of? I am sure not. It cannot be that we have yet come to the conclusion to imitate the example of the tyrant of Rome, and post our laws so high upon the columns of the Capitol that they cannot be read, and then punish their violation.

"Such, then, would be the condition into which the country and the public treasure would be thrown by this hasty passage of this repeal bill, in its present form; while the question as to any substitute was a mere contingency. Some substitute may or may not pass at the present session; but until that is done, and until a national bank can be put in operation, if that shall be the substitute, the miserable remnant of the deposit law of 1836, which has not been made inoperative by the action of the banks themselves, is all which is to prevent the whole public revenue from falling within executive discretion, exactly where it was after the removal of the deposits from the Bank of the United States in 1833, when the honorable Senator from Kentucky [Mr. Clay] declaimed with so much force and eloquence against the union of the purse and the sword in the single hand of the President. Now, if the gentlemen will have a little patience, and endure the sight of the old house a short time longer, they may avoid these consequences which they have so recently considered of extreme danger, and have the further benefit of being able to learn whether they can build a new, or, in case of the destruction of the old edifice, will be compelled to remain upon the pavement, or seek shelter for our treasure in the executive mansion."

CHAPTER XCIII.

SPEECH ON THE REPORT OF THE SECRETARY OF THE TREASURY ON THE FINANCES.

On the 2d of June, 1841, Mr. Ewing, Secretary of the Treasury, made an extended report on the condition of the finances, showing them to be not only in an unsound but in a deplorable condition. The fault, he claimed to have been occasioned by the blunders and mismanagement of Mr. Van Buren's administration. Mr. WRIGHT promptly assumed the duty and labor of its defense. His success in doing so is conclusively shown in the following speech. The errors of the new administration were also pointed out, and their consequences demonstrated.

"Mr. WRIGHT said it could not fail to be perceived by the most casual observer of the movements of political parties in the country that the party to which he belonged, and with which he acted, found it wholly impossible to please their vigilant and ingenious opponents. For a long time previous to the last presidential election, the loud and constant complaints of the then minority against the administration party of that day were of enormity of expenditure, of extravagance, profligacy, wanton wastefulness of the public money upon objects promising no public utility. Those complaints continued to be made, in every form of charge, down to the close of that election by which a change was wrought, and the party which had been in the minority became the ruling party, and he and his friends were transformed to a minority. He had been one of those who had constantly believed that the excesses of our revenue during several previous years, and the consequent excessive appropriations made by Congress, many of them of questionable merit, and upon objects of at least doubtful utility, had given so much foundation for these complaints that they would affect, and did materially

affect, the public mind, and exert some influence in producing the change which was wrought by that election.

"Scarcely, however, had the polls of the elections been closed and the popular vote counted, when the form of complaint was changed, and the two former administrations were charged with having plunged the country in debt, deeply in debt. A national debt of $40,000,000 was said in fact to exist, and statesmen were found to support the confident assertions of one portion of the public press upon that point. He was happy to be able to say that one of the objects of this debate was to unfold the truth upon this point, as it would be one of the leading objects of the remarks he was about to offer. He could not, however, fail to remark here that when this ground of charge against the party with which he had acted, and was still acting, was assumed, the earnestness and confidence with which the charge was made, and the singular courses taken to sustain it, all took the semblance of the emanations of hope, rather than of the suggestions of fear and apprehension; and the zeal with which the truth of the existence of a great national debt was sought to be established was more like the fruit of an anxious wish for success than of severe revulsion of feeling against such a national calamity.

"A few brief months only have passed, and lo! not merely the form but the nature of the complaint is wholly changed; and we now hear from the honorable Senator [Mr. Evans] who has just resumed his seat equally bold and confident charges of too rigid economy, of parsimony, of mean parsimony, of dishonorable parsimony, speaking in reference to the honor of the country, ay, even of criminal parsimony, meriting impeachment at the hands of the House of Representatives. And against whom are these charges preferred? Against the late Secretary of the Treasury [Mr. Woodbury], now the honorable Senator from New Hampshire. When is he charged with practicing this ruinous parsimony? Of refusing to expend money, even after its appropriation by Congress? In that same year 1840, through the whole of which the entire country was made to ring with his extravagance, wastefulness and profligacy in the administration of the affairs of the national treasury, and his wanton expenditure of the money of the people. He desired to draw but a

single inference from this brief sketch from the history of the complaints and charges of the politicians of the party to which the honorable Senator from Maine [Mr. Evans] belongs, and it was that there must have been mistake somewhere, and all the charges they have made cannot by any possibility be true. Either the late Secretary was or he was not extravagant and wasteful of the people's treasure in the year 1840; and as he was not disposed to controvert the Senator's present complaint against that worthy officer, of great economy in the matter of public expenditures, so he believed the late Secretary himself would be willing to go with the honorable gentleman before the people of the country upon this charge of too great parsimony.

"He wished to make another general remark before he entered upon the observations which it was his principal object to address to the country. The matter of receipts of revenue into the treasury, and of payments from it, was one exclusively in the hands of Congress, by the express provisions of the Constitution, and he supposed the action of Congress upon both these powers, that of raising and supplying means, and that of appropriating them, were to be equally regarded by any Secretary of the Treasury in governing his executive administration of his department. He was not simply to look at the appropriations and measure his expenditures by them. He must look also at his means, for beyond them he could not go without a violation both of law and Constitution, any more than he could expend money which had not been appropriated, without such violation. Suppose a Congress for a given year should appropriate $33,000,000, and furnish means to but $25,000,000, what should be the measure of expenditure and the course of a Secretary of the Treasury? Should he commence his expenditures at the rate of $33,000,000 per annum, and demand of the President the exercise of his power to call Congress extraordinarily to supply the $8,000,000 of additional means to cover all its appropriations? Would not the measure of means it had deliberately fixed be as good evidence of the will of that Congress, as to the amount of expenditures for the year, as the appropriations it had made? What should a wise executive do in such a case? Should he issue his proclamation to convene Congress for such a cause? Should he do that,

as it was done in the present case, so as to have the proclamation overtake the members on their way to their homes, thus showing, beyond the possibility of a doubt, that no contingency could have happened varying the condition of the treasury from what it really was, and what Congress knew it to be, at the time of its adjournment? He spoke simply of the fiscal reason for this special session of Congress, and he was compelled to say that, if the call must rest upon that reason, it seemed to him to be a most extraordinary exercise of an extraordinary power.

"The executive administrations which he had supported had supposed their duties were well discharged when they had expended faithfully and economically the means which Congress had provided for the year, upon full information as to the public wants and public necessities, however much those means might fall short of meeting the entire outstanding appropriations. This was done by the late Secretary, as the honorable Senator who complains of his parsimony himself shows; for he says that officer kept the treasury constantly exhausted. His criminal parsimony, therefore, if it existed, must have proceeded from not inducing the President to make an extraordinary call of Congress, or from not having expended money which Congress had not provided for him to spend.

"Now, it would seem, this old-fashioned policy is changed, and our Secretary of the Treasury is to make the appropriations the measure of expenditure and have Congress called as soon as he shall see that the means of the treasury will not be adequate to meet his scale of expenses thus graduated. If there were other reasons for this call of Congress, he was ignorant of them, and made no reference to them, as he spoke simply of the reason advanced connected with the state of the treasury and the public expenses.

"He would now proceed to his object, which was an examination of the report of the Secretary of the Treasury 'on the state of the finances,' made to Congress at its present session; and he designed to confine himself strictly to that document; to take the Secretary's own data by which to test his conclusions, and he hoped to be able to make the examination in such a way that the friends of that officer should be able to concede to him fairness and candor.

"The honorable Secretary seems either to assume, or to attempt to establish, the following propositions:

"*First.* That the means of the treasury already provided by law cannot supply the unavoidable demands upon it for the current year, and that therefore a provision by law for further means, within the year, has become indispensable.

"*Second.* That there is an existing public debt so large that, without overburdening commerce and the resources of the country, it cannot be paid off and discharged in a shorter period than from five to eight years, and, therefore, it ought to be permanently funded for eight years, and only to be paid at the pleasure of the government after the expiration of that time.

"*Third.* That an increase of the current revenues as is necessary to meet the current expenses of the government and the interest of the existing debt, and that additional taxes ought to be imposed, in the shape of a duty of twenty per cent, upon almost all those articles which are now imported free from duty; and he estimates the amount per annum to be realized to the treasury from such new taxation at from $6,000,000 to $8,000,000.

"*Fourth.* That, if Congress impose these new taxes and fund the debt as suggested, the revenue from the public lands, estimated by him at the rate of $3,000,000 for the present year, will be subject to any disposition Congress may choose to make of them, independent of the wants of the national treasury.

"To reach the Secretary's facts, he would follow him very much in the order in which he had set them forth in the report, and his conclusions and the financial recommendations he had based upon them should be tried almost entirely by the facts there found.

"The Secretary then tells us that when he entered upon office, on the fourth day of March last,

"The whole amount of outstanding and unexpended appropriations, including those of the present and of all former years, was.....	$33,429,616 50
"Mr. W. found, from the official report of the Secretary of the Senate (and which he is required by law to make), of the appropriations of the last session of Congress, of every character and for every object, those for the Post-office department excepted, the amount was.....	18,881,197 41
"This would show that the amount of appropriations outstanding and unexpended on the fourth of March last, over and above the whole amount of appropriations for the service of this year, was.....	$15,048,419 09

"All these sums are exclusive of the appropriations for the service of the Post-office department, as those appropriations are only payable out of the revenues of the department, and not out of any other means in the treasury.

"Here it should be observed that more than two months of this year had passed away, and still that this very large balance of the appropriations of former years, an amount approaching very closely to the whole amount appropriated for this year, was unexpended. It left, therefore, to the new administration a very large measure of expenditure, if the outstanding appropriations, without reference to the means provided, were to guide its action. Under this state of facts, the proclamation was issued on the seventeenth of March, thirteen days after this administration came into power, to convene Congress on the thirty-first of May following, as we are now told, because the situation of the public treasury and the fiscal condition of the country rendered that step indispensable; and this report from the head of the Treasury department is made to show us that necessity, and wherefore and in what manner our aid is invoked and can be rendered.

"As to the first step toward the exhibition of the necessity, the Secretary tells us that of this whole amount of outstanding appropriations of.....	$33,429,616 50

Brought forward.....	$88,429,616 50
"There will be required to be expended for the service of this year the sum of.....	24,210,000 00
"This will leave, on the 1st of January, 1842, still appropriated and unexpended, an amount equal to	$9,219,616 50
"But it will show an expenditure, within the last ten months of the year, over and above the whole amount appropriated for the service of the whole year, of....	5,828,802 59
"As this sum, and the above balance of appropriations to remain unexpended on the first of January next, will constitute the amount of appropriations of former years outstanding and unexpended on the fourth of March last, which, we have seen, was.....	$15,048,419 09

"This vast proposed expenditure of almost $6,000,000 beyond the whole amount appropriated for the year, and that, too, from the appropriations of the same Congress which graduated its measure of expenditure for 1841 by its appropriations for it, and in the space of ten months, instead of the twelve for which the appropriations were made, would, of itself, compel the belief that the Secretary, in estimating the amount to be expended after the fourth of March, and within the year, from the old appropriations, had assumed a sum much beyond that which the necessity for expenditure could require or the economy of expenditure could warrant. Some further comparisons would confirm this belief. And, first, he would take the expenditures for the first two months of the year, made under the last administration. Not having the sum given, exclusive of the payments made on the first three days of March, he would take the whole sum expended from the first of January to the third of March, both inclusive, as the expenses of January and February, 1841; though the real excess over the expenditures of those months would be very material; as, during the three days of March, the final adjournment of Congress took place, and the final payment of the members was completed, and the money to pay the half-yearly pensions due on the fourth of March was, on those days, being sent to the pension agencies, both circumstances compelling very large payments from the treasury at that particular time.

"The Secretary states these expenses to have been.....	$4,627,166 64
"And calling them the expenditures of two months only, they show a rate of expense, per annum, of.....	27,762,999 84
"The present Secretary says he will expend, from the same appropriations diminished by the expenditures of the two months, as above given, for the remaining ten months of the year, the sum of $24,210,000, which is at the rate, per annum, of.....	29,052,000 00
"An excess over the rate of expenditure observed by his predecessor in office, upon the same appropriations, of, per annum.....	$1,289,000 16
"The same data will show that the late Secretary made the expenses of the first two months of the year, and that including the expenditures of the first three days of the third month, only average, per month.....	$2,313,583 32
"While the new Secretary promises to spend, per month, for the whole remaining ten months of the year, an average sum of.....	2,421,000 00
"An excess, per month, over the rate of expenditure of his predecessor, of	$107,416 68

and that, too, when Congress was in session during the whole of the first two months, and the entire half-yearly payment for pensions was taken from the treasury during those months, thus increasing materially the expenditures beyond a fair monthly average for the whole year; there being nothing included in the proposed expenses of the ten months for a session of Congress, except, perhaps, for the commencement of the regular annual session in December, and but one half-yearly payment of pensions remaining to be made in the whole ten months.

"He would next examine the outstanding appropriations under the several general heads of appropriation, because it might be that, while the aggregate of these appropriations was abundant, those under a particular head, or for the service of a particular department, might be deficient; and this he believed to be the more proper, as his recollection of the law of Congress, giving authority to the President to order a transfer of moneys from one specific object of appropriation to another, was, that the power of transfer was limited to objects falling under the same general head and under the charge of the same department.

"He would look, then, first to the head of 'civil list, foreign intercourse, and miscellaneous expenses,' being the appropriations more immediately under the charge of the State department.

"The Secretary, in the report under consideration, states the balance of unexpended appropriations under this head, on the fourth March last, to have been.....	$5,237,234 28
"The whole appropriation under this head, for the service of the year 1841, was.....	3,801,475 51
"Thus leaving at the command of the Secretary an amount of the appropriations of former years, over and above the whole appropriation for the current year, of	$1,488,758 77

a sum more than equal to one entire third of the new appropriation for these objects. And still he well recollected, as would those members of the Senate who gave attention to this appropriation bill, when on its passage through this body, in March last, that it contained all the usual provisions for annual salaries and the like, and outfits for new diplomatic agents in all cases where vacancies existed, or were expected to exist, during the year. Could it be, then, that this large excess would be called for, or could be expended in the last ten months of this year, within the rates of allowance and compensation established by law? He thought not.

"Next in order comes the 'military' head, and here the balance of unexpended appropriation is astonishingly large.

"The Secretary states it to have been, on the fourth of March last, when he took office, the enormous sum of.....	$15,991,895 15
"While the whole appropriation made by Congress at its last session, for the service of the year 1841, under this head, was but.....	8,657,884 90
"Thus showing a balance unexpended of the appropriations of former years of.....	$7,334,510 25

a sum almost as large as the entire appropriations for the service of the whole year, and remaining unexpended, not at the commencement of the year, but after the expenditures of the first two months of it had actually been made. Was it possible to

suppose that a necessity could exist for the expenditure of this vast sum, under the 'military' head alone, in addition to the whole appropriations for the year, and that when but ten months remained? How, then, could we fail to feel surprise when we find the Secretary, in addition to these almost $16,000,000 of existing appropriations applicable to objects falling under the military classification, asking for additional and new appropriations, to be made at this special session of Congress, under this same head, of $2,521,336.98? Yet such was the fact, as the report under consideration would show.

"The 'naval' head bears a more reasonable comparison.

"The Secretary gives the balances unexpended on the fourth of March last, under this head, at.....	$6,910,268 69
"The appropriations for the service of 1841 were.....	5,922,337 00
"Thus merely exhibiting an existing excess of the appropriations of former years, unexpended when the Secretary took office, and applicable to the navy, of.....	$987,931 69

a fraction less than $1,000,000, and not one-seventh of the amount outstanding under the 'military' head. And yet, when it is remembered that in this mode of comparison the entire appropriations for the current year are deducted and supposed to be wholly unexpended, although the expenses of one-sixth part of the year have been actually paid, this balance must appear amply sufficient to meet any probable contingency for the remaining portion of the year, and much more likely, in the absence of any unanticipated call for enlarged expenditure, to remain in the treasury than to be taken from it. Indeed, he was happy to have it in his power to refer to the authority of the present Secretary of the Navy upon this point. That officer says, in his report to the President accompanying the message to the present Congress:

"'The appropriations made at the last session of Congress will be found amply sufficient to cover the expenditures for the current year under the several heads of appropriation, unless it should become necessary or be deemed proper to assume another and larger basis of operations than that on which the estimates from the department were founded.'

"The necessity sought for, then, to justify this extraordinary convocation of Congress, is not to be found in connection with

the naval service, so far as appropriations are concerned, as the Secretary confines himself in express language to 'the appropriations made at the last session of Congress,' and pronounces them 'amply sufficient' for the present anticipated wants; thus excluding, as not wanted except in case of some unanticipated contingency, the above balance of old appropriations.

"There was a small outstanding appropriation of former years under another head which he would mention in this connection, because he should be called upon hereafter to make a single remark in relation to what seemed to him to be a singular use made of this unexpended balance by the honorable Secretary. He referred to the head of 'public debt.' The Secretary sets down, in his account of appropriations outstanding and unexpended on the fourth of March, $6,387.30 under this head. No new appropriation was made for the year 1841, applicable to this object, and the small amount of the old would at once show to Senators that it was not an appropriation intended for the redemption of treasury notes issued under the late laws. Mr. W. understood it to be applicable to the small remains of the old national debt, such as the final settlement certificates and indents of interest of the Revolution, and perhaps the outstanding treasury notes of the last war.

"He would now examine, briefly as he might, the items and objects of the new appropriations recommended by the Secretary for the service of this year, and the aspect given to some of the proposed expenditures by that officer. The first item was one of $1,435,500, to be expended upon fortifications and works of defense. This object of expenditure had not been overlooked by Congress at its last session. On the contrary, the usual 'fortification bill,' so called, was passed at that session. The measure of expenditure which that Congress supposed the state of the treasury, the promise of revenue and the condition of the country required it to adopt for this object, for the present year, was $485,500. That sum was appropriated by the bill above named, and the whole of it remained to be expended and was at the command of the Seeretary on the fourth of March, when the new administration took the management of the affairs of the treasury and of the government. Its executive officers, it would seem, sup-

pose that, in addition to this last-named sum, it is expedient now to appropriate and to have expended within the year the further sum recommended of $1,435,500; thus authorizing the expenditure within the last ten months in the year of $1,921,000 upon fortifications, — and that, too, in the face of an empty treasury and a diminished, and as they say rapidly diminishing, revenue.

"It should be further remarked that this new appropriation is not to be entirely applied to the forts partly erected, and which may be brought to an early state of usefulness by accelerated expenditure, but that between $400,000 and $500,000 of it is to be expended in the commencement of a new class of works not yet adopted by Congress as works of defense; and which, if adopted, must necessarily, hereafter, enlarge the call for appropriations of this character. How wise it may be to commence new works of defense, when those in progress are not yet prepared for occupancy or use, in case of any sudden emergency, or to extend and multiply these objects of expenditure, when our revenues are confessedly inadequate to meet requisite expenditures upon those already adopted and partly finished, are questions which may well occupy the attention of Congress before that policy shall receive its sanction.

"The next item of new appopriation recommended is $220,000, 'For armaments of fortifications, and ordnance stores.' The last Congress, at its last session, made appropriations for both these objects, and it is fair to presume graduated the amounts appropriated for each, according to its judgment of the prospect of revenue to meet the expenditures and the pressing exigencies of these branches of the public service. Whether, under the continued assurances of uninterrupted peace which the President is able to give us in his late message, a necessity can exist for an increase of these appropriations during the present year, sufficiently strong to demand a special call of Congress, seemed to him to admit of strong doubts. It was truly gratifying to him to see the present heads of the appropriate executive departments of the government so earnestly alive to a sense of the necessity of improving our permanent public defenses; but it would have been still more gratifying and fortunate if their sensibilities upon this point could have been actively aroused when our treasury

was full and overflowing, and appropriations for these objects, corresponding with the then state of our means to pay, without incurring a debt, were earnestly but unsuccessfully pressed upon their consideration and acceptance in these halls.

"The subject of our defenses was one of great magnitude, as well as of primary importance. The letter of the Chief Engineer, appended to the report of the Secretary of War, and transmitted to Congress with the President's message, gives us a glance at the extent of the system. We are there told that the completion of the fortifications contemplated will require an expenditure of $29,215,371, and the armament of them a further sum of $6,228,340, making together an aggregate expense of $35,443,711. We further learn from the same document that these fortifications, when completed and armed, will require the services of 63,835 men, to form their war garrisons. Mr. W. did not understand the report of the Secretary of War as recommending the adoption by Congress of this entire system now, or at once, but only such portions of it and such classes of works as would call for an expenditure of $9,693,547 for construction, and $2,493,000 for armament, making an aggregate of $12,186,547 of expense, and requiring, as the letter of the Engineer before referred to shows, the services of 33,140 men for war garrisons. To this extent the report of the Secretary of War is understood to recommend the adoption of the proposed system of defense to which the letter of the Engineer refers, and the items of new appropriation above examined, if made by Congress, must, in the face of these documents, be held to be that adoption on its part.

"The next item of new appropriation, in the order observed by the Secretary, in the report under consideration, is $40,199.12, 'For payment of arrearages and current expenses, and taking care of public property on roads, harbors, rivers,' etc. The language of the Secretary of War in reference to this appropriation, and its necessity, is the following:

"'The agents and superintendents heretofore employed in the construction of the various improvements on the lakes, the sea-coast, and in the interior, have been discharged, except such as have been retained, at a small compensation, to guard some of the most important works remaining in an unfinished state, and the public property connected with them. In a few

instances, it has been found expedient to employ an agent to take care of the property of the government collected for the construction of these works, until Congress shall determine upon the question of continuing or abandoning them, where there was no fund out of which they could be paid. Some of these agents have been paid from the proceeds of the sale of a portion of the public property; others can be paid only by further sales, or under an appropriation by Congress. *It has also been ascertained that the expenditures upon several of these works have exceeded the appropriations made for their construction.* These arrearages are generally due to contractors and laborers in no way responsible for this error, and provision should therefore be made for the payment of them. The amount necessary to discharge them, as well as to pay the expenses of the agents, employed as above stated, appears from the report of the chief of the corps of Topographical Engineers to be $39,997.12.'

"The letter from the head of the Topographical Bureau confirms this statement of the Secretary, and shows that $27,993.28 of the sum asked are for 'arrearages' up to 31st of May, 1841, and the balance of $12,003.84 is for current expenses after that day, being the day of the commencement of this present session of Congress. This estimate for the seven months to follow the thirty-first of May will show an average current expenditure per month of $1,714.83, and, by consequence, that of the portion of the appropriation proposed, $5,144.49 have been the current expenses of the three months of the new administration, thus leaving $22,848.97 as 'arrearages' against the last administration. Mr. W. said he was led to this minuteness because we had heard much of a 'rest' to be made in the accounts of the treasury between the late and present administrations, and he had been one of those who joined with that suggestion, and was only now anxious that the line of 'rest' and the line of truth might correspond, and both be equally clear. In furtherance of this disposition, and to make his own figures intelligible, he must also notice a discrepancy of sums between that assumed by the head of the Topographical Bureau and the Secretary of War, and that presented by the Secretary of the Treasury in his report. The two former state the appropriation required for 'arrearages' and for current service at $39,997.12, and the latter, in his estimate of new appropriations, in the report under consideration, gives it at $40,199.12. The difference is simply $202, but it is a difference which he was unable to explain, and therefore it became him to say that he had

taken the sum assumed by the Topographical Engineer and the Secretary of War, and made his division and 'rest' from their data.

"A single item of the new appropriations recommended remained. That, however, was a material item in its amount, in its objects, and in the designation given to it by the Secretary of the Treasury. The amount of the item is $825,637.86; the objects, such as are to be explained; and the designation of the Secretary, '*for arrearages* for preventing and suppressing Indian hostilities.'

"The objects of the expenditure first demand attention, and the amounts and proper designation will be fully developed in this examination. He would refer, then, first, to the estimates of the Paymaster-General, attached to the report of the Secretary of War, and constituting one of the documents appended to the President's message. The first item of the estimate is in the following words:

"'PAYMASTER-GENERAL'S OFFICE, *May* 31, 1841.

"'SIR.—The following appropriations will be necessary, in addition to those made at the last session of Congress, to meet the disbursements of the Pay department the present year, as shown by the detailed estimates heretofore submitted to you:

"'For arrearages of pay for militia called into service by the Governor of Florida, in 1840, nineteen thousand three hundred and eighty-eight dollars and two cents.

"'Two hundred and twenty-one thousand two hundred and forty-four dollars and two cents were asked for by the Pay department, under the above head, at the last session of Congress. This was blended with the Quartermaster-General's estimate, and included in one appropriation. The sum appropriated was less than the amount required, and leaves a deficiency in the funds of the Pay department for which this estimate is respectfully submitted.'

"This was clearly 'arrears,' not only of the late administration but of the year 1840, if the balance was still due, which he did not doubt. In confirmation of this estimate, he held in his hand a printed copy of document No. 70 of the House of Representatives of the last session of the last Congress, being a letter from the then Secretary of War to the chairman of the Committee of Ways and Means of the House, under date of the 17th December, 1840, with certain estimates annexed from the Paymaster-General,

the Quartermaster-General, and other heads of bureaus in the Military department. On page 2 of that document is an estimate headed as follows:

"'Estimate of the amount required for "*arrearages*" of pay for the militia called into service by the Governor of Florida, in 1840.'

"The footing of this estimate is $221,244.02, the precise sum named by the Paymaster-General in his note to his estimate to the present Secretary of War for this same object, as will be seen above, he saying in that note that the sum appropriated at the last session of Congress was too small by the sum of $19,388.02, the amount he now asks. This last sum is part of the $825,637.86 now asked by the Secretary as a new appropriation, and is unquestionably an arrearage of 1840.

"The next item in this estimate of the Paymaster-General is in these words:

"'For pay of a battalion of Georgia volunteers, $68,995.92. The first item of the above estimate was presented to Congress at the last session, but was not appropriated. (See document No. 70, H. of R., page three.) The balance, $39,549.84, was included in the estimate for 1,500 mounted and 500 foot volunteers for 1841, for which no appropriation was made. (See the same document, pages four and five.)'

"The document referred to in this note to the above item of estimate is the same document to which he had referred in his remarks upon the preceding item, as will be seen by the respective marks of reference. It was therefore before him, and upon page three he found an estimate with the following heading:

"'Estimate of the amount required to pay a battalion of Georgia volunteers, called into the service of the United States *for three months*, in 1840.'

"The footing of this estimate is $29,446.08, and is the precise difference between the amount of the above estimate, $68,995.92, and the sum which is termed 'the balance, $39,549.84,' mentioned in the note to that estimate as having been 'included in the estimate for 1,500 mounted and 500 foot volunteers *for* 1841, for which no appropriation was made.' This must show conclusively that, of the sum here estimated for, $29,446.08 was for the expenditures of 1840 and the remaining amount of $39,549.84 for the contemplated expenses of 1841. If this last sum had been actually expended (upon which he should remark hereafter), there

was nothing in the public documents, so far as he had been able to examine them, to show how much of it had been expended before and how much since the fourth of March last, unless the estimate for the three months, in 1840, of this same battalion of Georgia volunteers be made the standard of the future expenses of the corps. This would present a monthly expenditure of $9,815.36, and the expenses for the two first months of the year, at that rate, would have been $19,630.72; thus leaving $19,919.12 of the whole estimate to have been expended after the fourth of March. Of this item of estimate, therefore, $49,076.80 can be fairly put down as 'arrearages,' and the balance must go to the account of the new administration as the current expenses of the last ten months of the year.

"The remaining item in this estimate of the Paymaster-General was in the following words:

"'For pay of Florida volunteers, $297,218.92.

"'The above was included in the sum of $566,217.78 estimated for by this department and submitted to the last Congress, under the head of pay of 1,500 mounted and 500 foot volunteers for the year 1841. (See document No. 70, H. of R., pages four and five.) No appropriation was made for these troops.'

"Again the same document of the House of Representatives is referred to in this estimate, and upon pages four and five he found two several estimates with this general heading, viz.:

"'Estimate of the amount required to pay 1,500 mounted and 500 foot volunteers, *for the year* 1841.

"'*Two regiments of mounted volunteers.*'

"The footing of this estimate is, on page four..... ...	$489,010 96
"Then follows, on page five, the following head:	
"'*One battalion of foot volunteers.*'	
"The footing of this estimate is.....	77,206 82
"And the two together make exactly the sum mentioned in the note to the above item of estimate, of.....	$566,217 78

"This must show, beyond the possibility of doubt, that the whole of this item of estimate was for the current service of the year 1841; but there is nothing upon the face of the estimates, or in the reports of the Secretary of War or the Treasury, to show what portion of the sum was expended before and what since

the fourth of March last, if indeed the expenditure has yet been made at all. It is worthy of remark, however, that the sum asked to be appropriated is $14,105.03 — more than half of the estimated pay of the 2,000 volunteers for the whole year 1841 — although the estimate is made under date of the thirty-first of May, when but just five months of the year had elapsed.

"The general remarks which follow from these facts are, that the last estimate was entirely for the current service of 1841, and not any portion of it for 'arrearages' of the year 1840, and that the fair presumption from the estimate is, that the whole is prospective, and predicated upon the assumption that Congress will, hereafter, authorize the employment of these volunteers for the remaining seven months of the year.

"This presumption is confirmed by the fact that these estimates for the whole year were submitted to Congress at the last session and appropriations were refused. He was able to say, from his own distinct recollections, that these appropriations were not merely omitted for want of time and attention, but that they were refused because Congress did not believe it expedient to authorize the employment of 2,000 volunteers in the further prosecution of our disastrous war in Florida, but that it should be prosecuted in future, unless some unanticipated contingency should change the aspect of things, by the regular army of the United States alone. In conformity with this policy, an appropriation was made, in connection with the general army bill, of the sum of $1,061,816, to cover so much of these estimates of the Pay and Quartermaster-General's departments as was supposed to be necessary, rejecting from both all sums included to cover the expenses of these volunteers for the current year.

"The only item in the estimate from the Quartermaster-General which goes to make up this sum of $825,637.86 is one of $440,040, and is presented by him in the following language:

"'Quartermaster-General's Office,
"'Washington City, *May* 29, 1841.

"'Sir.—In reply to your inquiry whether any further appropriation will be required for this department during the present year, I have the honor to report that at least $440,040 will be necessary for the service of this department connected with the operations in Florida.

"'On the 14th of November, 1840, I presented an estimate for the Florida

service of $1,300,000, of which only the sum of $859,960 was appropriated, leaving a deficiency of the sum I now ask. *The reduced appropriation, I have no doubt, was in consequence of the belief, generally entertained, that the war would soon terminate.* I did not then, and do not now, concur in the belief. My estimate was founded on a perfect knowledge of the difficulties to be encountered, and of the wants of the service in Florida, and, if I am not greatly mistaken, it will be found, *before the close of the year*, that it was a minimum estimate, every dollar of which will be necessary.

"'I am, sir, most respectfully, your obedient servant,

"'TH. S. JESUP,

"'*Quartermaster-General.*

"'The Hon. JOHN BELL,

"'*Secretary of War, Washington.*'

"This language conclusively proves that the principal part of the estimate of the 14th of November, 1840, was prospective, and that even the sum of $440,040, here estimated for, is prospective, for the current service of this year, and that the Quartermaster-General looks to '*the close of the year*' as the test of the correctness of this estimate. Is it, then, for 'arrearages?' Much more, is it for 'arrearages' of 1840?

"He would see what the Secretary of War said upon this point. His language was as follows:

"'Additional appropriations, to the amount of $825,687.86, are required by the Pay and Quartermaster-General's departments *for the service of the present year.* The amount asked by the Quartermaster-General appears to be indispensable. It is about the sum which Congress at the last session failed to appropriate, though included in the estimates and *understood to be in part for arrearages for the year* 1840; *and a large portion of the present demand may not be improperly set down to the same account. A portion* of the sum required by the Pay department is for *arrearages for the year* 1840, as will appear from the report of the Paymaster-General.'

"[Here Mr. WRIGHT yielded to a motion that the Senate proceed to the consideration of executive business.]

"FRIDAY, 18*th June*, 1841.

"Mr. WRIGHT said, when he yielded the floor yesterday, he was examining the last item of the new appropriations recommended by the Secretary of the Treasury, not so much for the purpose of showing the propriety or impropriety of the appropriations asked for, as with reference to that 'rest' in the accounts which had been promised. He looked upon the report now under considera-

tion as the authority upon which the new account was to be opened, and he was, therefore, anxious to ascertain what was, in fact, 'arrearage,' and what current expenditure; and of the 'arrearage' he was equally anxious to know to what period of time to apply the term and the expenditure, whether before or after that fourth of March, which was the true point of separation. Not finding the report as clear as he could wish in this particular, he had been compelled to be tediously minute in his reference to the documents upon which it was based, and he trusted he had succeeded in making the dividing line with as much accuracy as those documents would authorize. He would not now trouble the Senate with recapitulation, or with any further references to the papers, and a very brief glance at the progress by which this whole item had become the 'arrearages' of 1840 should dismiss the subject.

"He had given the estimates in detail, and, though not as specific as he could wish, they spoke for themselves, and showed, to a very great extent, what part of the sums asked for were to pay 'arrearages,' and what to pay current and future expenses, and, to a greater extent and certainty, they showed what portion of the sum of $825,637.86 was required to pay arrearages of 1840, and what to meet the current expenses of 1841. The estimates of the Paymaster-General were distinctly separated upon this point, and left no doubt; and that of the Quartermaster-General, submitted on the 14th of November, 1840, stated, 'on presenting the modified estimate on the eighth of July, I expressed the opinion that it would probably meet all demands against the department to the first of December. I now find that the whole appropriation will be exhausted before that time;' not that it is exhausted on the 14th of November, 1840. He continues: 'and I respectfully ask that measures be adopted to obtain a partial appropriation of from $300,000 to $400,000, as early in the session as possible;' meaning the session of Congress which was to commence on the first Monday of December, 1840. Here, then, was his measure of deficiency and want until the regular annual appropriations of the session, which he knew, as every one else knows, never pass at the short sessions until about the first of March; '$300,000 or $400,000' would complete his expenditures

for 1840, and bring him up to that period in 1841. Nothing was appropriated upon his estimate until the passage of the general army appropriation bill, about the first of March; and then he tells us, in his estimate now submitted and above given, that $859,960 were appropriated for his use, and that he now wants $440,040 to carry him safely to 'the close of the year,' as he thinks. These are the facts.

"They pass to the Secretary of War, and he says: 'Additional appropriations to the amount of $825,637.86 are required by the Pay and Quartermaster's departments, for the service of the *present* year.' Speaking further of the sum asked by the Quartermaster, he says: 'It is understood to be *in part* for "arrearages" for the year 1840;' and of the sum asked by the Paymaster, 'a *portion* of the sum required by the Pay department is for "arrearages" of the year 1840, as will appear by the report of the Paymaster-General.' Now, he had given entire the reports or estimates of these officers, so far as they related to this point, from which it would appear that the remark of the Secretary of War as to the sum asked by the Paymaster-General was technically true, though he could not agree with that officer in his *understanding* that any portion of the sum now asked by the Quartermaster-General was to pay 'arrearages' for the year 1840, or that 'a large portion of the present demand may not be improperly set down to the same account.' Yet this Secretary only claims *parts* and *portions* of either estimate as applicable to the expenses of that year. The same facts pass to the hands of the Secretary of the Treasury, and there the whole becomes '*arrearages* for preventing and suppressing Indian hostilities,' but without any specification of time to which the 'arrearages' are applicable. His report comes into the Senate, and here the honorable Senator from Maine [Mr. Evans] makes the *whole* 'arrearages' for the year 1840, and charges the amount, $825,637.86, to the account of the late administration before the 'rest' in the accounts. Now, he must hope that this was not the process by which these accounts between the two administrations were to be adjusted.

"He would leave this topic, however, and proceed to the next, which was to see by what process the honorable Secretary had

arrived at his deficit, or debt, call it which he pleased, at the close of the present year.

"This was done by assuming that he would expend, within the ten months remaining to him of the year, from the appropriations outstanding and unexpended on the fourth of March, the sum before mentioned, of.....	$24,210,000 00
"And that in addition to this heavy amount he would expend, within the same period, the whole of his proposed new appropriations, of.....	2,521,336 98
"Thus determining his want of means for the ten months to be.....	$26,731,336 98
"From this amount of means supposed to be required, the Secretary deducts the means supposed to have been provided by the last Congress, and which he estimates at.....	20,790,395 84
"And thus arrives at his assumed deficiency, or debt, which he supposes will exist on the first of January next, to the amount of.....	$6,000,941 14

"Here it became necessary to examine these hypotheses of the honorable Secretary a little, before proceeding to analyze his supposed debt. The expenditure here proposed by the Secretary, for the ten months, will be at the rate of $2,673,133.69 per annum; an excess per month, over the measure of expenditure adopted by his predecessor in office, and followed for the first two months of the year, of $359,550.37, and an annual excess of $4,314,604.44. Again:

"The honorable Secretary has given the expenditures, previous to the fourth of March, at.....	$4,627,166 44
"And he now proposes to expend, from the fourth of March to the thirty-first of December, both inclusive, the further sum of.....	26,731,336 98
"This will make the actual expenditure of the year 1841, if he succeeds in his anticipations, swell up to.....	$31,358,503 42
"Take from this the appropriations for the service of the year, as made by the last Congress, and before given..	18,381,197 41
"And we shall leave an expenditure within the year, over and above the whole appropriations for the service of the year, as made by the Congress whose duty it was to make those appropriations, of.....	$12,977,306 01

an amount two-thirds as large as the whole of those appropriations.

"Compare the means provided by the last Congress for the year 1841, according to the Secretary's own statement of them, with the appropriations made by that Congress for the year, and see how far they enabled the expenditures to be carried beyond their appropriations, without any aid from a new Congress, or any addition to its appropriations by such authority.

"The expenses up to the fourth of March have been ascertained by the Secretary, from the accounts of payments actually made from the treasury up to that day, and are given to us at the sum of.....	$4,627,166 64
"The Secretary further tells us, in the report before us, that his means, from the fourth of March to the thirty-first of December, both inclusive, without any new aid, will be.....	20,730,395 84
"This will make the whole means for the year, provided by the last Congress.....	$25,357,562 48
'The appropriations for the year, as shown above, were..	18,381,197 41
"Thus showing an excess of means provided by the last Congress for the present year, over and above the whole amount of appropriations made for its service, of.....	$6,976,365 07

"Such will be the surplus of means at the command of the Secretary, from his own showing, over and above the entire appropriations for the whole year, as made by the last Congress.

"He would now proceed to analyze the Secretary's deficit, or debt anticipated to exist at the close of this year, and which, as had before been seen, he estimated at...	$6,000,941 14
"This included the new appropriations recommended and not yet made, and in reference to a 'rest' in the accounts between the two administrations, or to what would have been the situation of the treasury if the new Congress had not been convened, they should clearly be deducted.....	2,521,336 98
"This would show the anticipated deficit growing out of payments authorized by the last Congress to amount to	$3,479,604 16
Carried forward.....	$3,479,604 16

Brought forward	$3,479,604 16
"Another deduction should most clearly be made, in justice to the late administration, to fix the 'rest' in the accounts at the true point. He alluded to the money on deposit in the mints, for the purchase of bullion. The Secretary had not included it in his estimate of means, because he says it should be devoted to that use, and in that he may be right in policy, but it was money on hand, left by the last administration for the use of the present, and for which it should have credit before it is charged with a debt. The amount the Secretary states to be.....	215,151 88
"This will reduce the anticipated deficit to.....	$3,264,452 28
"There was another item included in the Secretary's estimate of expenditures for the last ten months of this year which was clearly erroneous. He alluded to an amount of treasury notes issued between the first of January and fourth of March of the present year, and not upon their face payable till the next year. Because they were by law receivable in payment of public dues, the Secretary had assumed that they would come in for redemption, in that way, before the close of the year; but they were all six per cent notes, and would not come in to any extent while that interest was running upon them. The whole amount was $1,110,611.08, and it was perfectly safe to expect that at least $1,000,000 of them would remain out till next year, when they would become due and the interest would stop. To this extent, therefore, the Secretary had clearly overestimated the expenditures of the year in this one item, and this amount should be deducted from his deficit	1,000,000 00
"This will reduce his deficiency, or debt, to.....	$2,264,452 28

"As to the first two items above deducted from the estimated deficit of the Secretary at the end of this year, it seemed to him there could be no question in any quarter. The first was an amount of appropriations not yet made, and which might not be made; and the second was money actually in the treasury and subject to draft at pleasure to meet any existing appropriation. So far, therefore, no necessity for a call of Congress to supply means to the treasury was presented, and no deficit should be

presented composed of those items to give the appearance of such a necessity. As to the third item deducted, he had made inquiry and he found that the six per cent treasury notes not due were in such demand, both from individuals and banks, as a safe and profitable investment, that the Secretary of the Treasury was constantly compelled to decline applications to issue them in exchange for coin, or bankable funds in New York. Indeed, a member of this body had, within a very few days past, made application, on behalf of a friend, for such an exchange to the amount of $20,000, and the Secretary found it to be his duty to decline it. Was it likely, then, that these notes, drawing six per cent interest, and having from seven to ten months to run, would be voluntarily paid into the treasury instead of money? Was it likely that such notes would be voluntarily so paid hereafter, when we were dispensing with all demand for gold and silver in the payment of the public dues, and have already done that, so far as the action of this body was concerned? Was it likely that an individual, or a bank, would pay out notes resting upon the faith and credit of this government, and drawing an interest of six per cent, where any specie-paying bank-note would make the payment as well and would draw no interest? Experience had already answered these inquiries, for these notes had not come in for public dues to any considerable extent when they were not yet due, heretofore, although one-quarter of all payments were required to be made in treasury notes or in gold and silver. There could not be a doubt, therefore, that the Secretary of the Treasury had, in relation to this item, overestimated the demands upon the treasury during the year by even a greater sum than was above deducted.

"What, then, was the issue tendered in this aspect of the report? The probable deficit at the close of the year, Congress not having been called, was brought down from more than $6,000,000 to a very trifle more than $2,250,000, without making other deductions which could not be exactly estimated in specific sums; and the real question was, should the Secretary of the Treasury, with means in prospect to meet more than the whole appropriations for the service of the year, and redeem all the treasury notes which would become redeemable even by his own

calculation, go on and graduate the expenditures by the state of the treasury, even at the risk of expending $2,250,000 less upon the outstanding appropriations of former years than it was his inclination to spend? Or should he invoke the President to convene Congress at this most inconvenient and uncomfortable, and all fear it may turn out to be unhealthy period, and put many of the States to the expense and trouble of extraordinary elections, and some of them to the sacrifice of their entire representation in the other branch, for the sake of having this $2,250,000 of means supplied? This was the real financial issue which the Secretary had made up for himself, his party, and the country.

"Another equitable deduction from this supposed deficit should, in justice to the last administration, be made, if the 'rest' is to take place here. He referred to the balances still due from the late deposit banks, and the late Bank of the United States. The precise amount of these balances, principal and interest, he was unable to state, but enough had been stated by the honorable Senator from Maine to show that they would bring the amount down below $2,000,000 after the deduction.

"The estimates of the Secretary, too, were based upon the assumption that every treasury note which becomes payable will be presented for payment; while it is known that very considerable amounts of the early emissions, which have been long due and payable, and some of which bore a mere nominal interest from the beginning, have not yet come in, and are no more likely to be presented during the present year than they were to come in during the last year. This will unquestionably make a further material reduction, in fact, from the anticipated deficiency of the Secretary, when the accounts of the year shall be closed.

"A further consideration should not be overlooked. All these comparisons are made upon the hypothesis that the whole of the appropriations for the service of the year will be expended within the year, a thing which never did and never can happen; and the consequence is, that even greater expenditures must be made from the appropriations of former years than have been contemplated in these calculations, or the estimate of the Secretary for the

expenses of the ten months cannot be reached and his deficit must disappear altogether.

"This, however, is not the extent of the honorable Secretary's presentation of our indebtedness. He brings back the amount of treasury notes which have been issued this year and made payable next, and which he supposes will hereafter be issued under existing laws to be paid in the next year, amounting together to $6,087,274.04, adds this sum to the $6,000,941.14, his supposed deficit at the end of this year, and thus presents to us what he seems to treat as an existing debt of $12,088,215.18. It had been said, 'sufficient unto the day is the evil thereof;' and as we have had and probably are to have annual sessions of Congress, Mr. W. had not supposed that the anticipated wants of the treasury next year would be presented as the necessity for an extraordinary convention of Congress in the first half of this year. It was impossible for him to say that the revenues of next year would not be adequate to the expenses of next year, and especially when it is conceded on all hands, and by all parties, that our revenue system must be permanently readjusted at the next annual session, if it be not done at this special session, to bring the revenue up to the level of our expenditures. Would it not, then, be the part of wisdom to let the anticipated debt of next year depend upon that legislation, or upon such other provision as the Congress sitting for that year shall prefer to make, rather than to anticipate that debt for the purpose of establishing its amount and giving it permanency now? Such would be his judgment in the matter.

"The Secretary goes still further, and tells us that where the power to issue treasury notes exists there should always be a permanent balance in the treasury of at least $1,000,000, and that where such power does not exist the balance should be increased to $4,000,000. He then recommends that the policy of issuing treasury notes should be abandoned for what he considers the preferable measure of permanent loans, and that the $4,000,000 be raised for the settled treasury balance. This he adds to the $12,088,215.18, and characterizes the whole thus: 'Which sum, added to the above, makes the estimated deficit of $16,088,215,18.'

"It might appear anomalous to some to call that sum a deficit

against the treasury which the treasury did not owe, and was not to be called upon to pay, but which was to be borrowed for the single purpose of being permanently kept in it. Still, the important facts to the Secretary's purpose, that the treasury will probably be deficient of and ought to have constantly that amount of money, are apparent enough, and more apparent to Mr. W.'s mind than the valuable uses which are to be made of that large sum when collected there, unless it be to furnish a stable and convenient surplus capital to the national bank, that new 'fiscal agent' which that officer so strongly recommends and which will probably be established.

"Another estimate of the Secretary, of the receipts and expenditures of the three months of June, July and August, was given in the report, and required some examination before the analysis of this large national debt was completed. And, first, his estimate of the expenses for the three months. The first item in that estimate is treasury notes to be redeemed, amounting to $2,756,900. Mr. W. had no means of determining upon what basis the amount of this item was made up, but he presumed it was intended to include all unredeemed treasury notes which would become payable before the expiration of the period. The sum estimated gave strength to this supposition; and if it was founded in fact, the remarks which he had previously made in relation to the presentation for redemption of treasury notes, long since issued, would be applicable here, and would show, almost with certainty, that the sum was too large.

"The estimate of expenses for the three months, under the head of 'civil list, miscellaneous, foreign intercourse, etc.' is about the average of actual expenditures under that head for the first two months of the year.

"Not so, however, with the average under the head of 'military.' Under this head the Secretary estimates an expenditure, during these three months, of $4,591,098. This is at the rate of $1,530,066 per month, and of $18,364,392 per annum, under this single head alone; a sum almost equal to the entire appropriations made by Congress for the service of the whole year, under all heads and for all objects.

"The estimate for the 'naval' head for these three months is

not quite so excessive; and yet the rate of expense proposed is greater than the actual expenses of the first two months in the proportion that $614,666.66 per month exceeds $379,673.30 per month, or, in other words, very far toward double.

"Another estimate for these three months, though small in amount, is still more singular in character. He referred to the head of 'public debt.' He had before remarked that a balance of an old outstanding appropriation applicable to this head of expenditure, and amounting to $6,387.30, was among the unexpended balances of appropriation enumerated by the Secretary as existing on the fourth of March last. It had been seen that this sum was not for the redemption of the treasury notes recently issued, but of the small remnants, occasionally coming in, of the old national debt, such as final settlement certificates, indents of interest, treasury notes of the last war, and the like. An examination of the records in the Secretary's department will show that, for more than five years last past, very few and very small demands have been made upon the treasury under these appropriations; and yet the honorable Secretary estimates that during the three months now passing, and of which the present is the first, the whole entire amount of this outstanding balance applicable to these old claims, with the mere exception of the thirty cents, will be called for and required to be paid. Nothing could be more conclusive than this anticipation of that officer to show that his entire estimate for these three unfortunate months must have been made under the influence of some exaggerated apprehension in relation to the expenses for this short period. It would be much less remarkable that this whole $6,387.30 should go to the Sinking Fund for the want of a single call upon it within the time limited by law, than that even the half of it should be called out of the treasury within the three current months. The honorable Secretary's supposed rate per annum of expenditure for this short period of time affords equally demonstrative evidence of the existence with him of this magnified apprehension, when these estimates were under his hand. An expenditure per annum, at the rate of his estimate for June, July and August, of the present year, would reach the enormous amount of $44,606,773.48; and yet he only estimates

the entire expenses of this extra session of Congress at $350,000, a sum which Mr. W. did not doubt would prove to be too small by at least one-half.

"The Secretary's mind seemed to have been oppressed with the same gloom when he made his estimate of receipts for these three unpropitious months. Thus it will be seen that, upon the fourth page of this same report, he estimates the revenue from customs for the last ten months of the year at $12,000,000, a rate per month of $1,200,000, and per annum of $14,400,000; while upon the very next page, in estimating for the three months, he only anticipates from the customs $1,000,000 per month, a rate per annum less than he anticipates for the ten months by $2,400,000. So with the lands to a partial extent; his estimate for the three months being at a less rate per annum than that for the ten months by the sum of $200,000.

"Under the influence of these singularly diverging views on the subject of the expenses and of the revenue, for the three months named, the honorable Secretary succeeds in arriving at the following very ill-matched results.

"He anticipates the expenses of the three months to be the very large sum of	$11,151,693 37
"A sum very far beyond his own estimate of the average expenditures of the year; while he cannot see the prospect of means, to meet these heavy expenses, to an extent beyond	5,900,305,07
"A sum considerably less than the average of his own exhibit of the means of the year; and in this way he finds a deficit, for the three months alone, of the vast sum of	$5,251,388 30

"If there be anything extraordinary anticipated, either in the condition and relations of the country or in the necessities of the public service, to accumulate so vastly the expenses of the year upon these three months, or to diminish so materially the current revenues during this particular period, the Secretary has given to Congress no intimation of either; while the singularity of the action he seems to anticipate upon this department, for these months, compared with his anticipations for the whole year, will be strikingly shown by a comparison between his anticipated deficit for the year and for the three months.

"The former, as has before been seen, is put down at.....	$6,000,941 14
"And the latter is given above at.....	5,251,388 30
"Only exhibiting a difference between his expectations of the deficiencies of revenue for the whole year and for three given months — and those apparently arbitrarily selected, as they do not embrace any quarter of the year according to the fiscal divisions of time at the department — of the small sum of.....	$749,552 84

"And still the item of $1,110,611.08 of treasury notes, which have been before remarked upon, is not included in the expenditures estimated for the three months, and is included in the expenditures estimated for the year. Hence it must follow that, setting aside the redemption of these notes, the Secretary anticipates a deficit against the treasury to accrue in the course of these three months greater, by nearly $400,000, than the whole deficit which he expects to find at the close of the year. This must truly be a most adverse action of our national finances at a very peculiar period, or the estimates of the Secretary for the three months, both as to expenditures and revenue, must have been made under most unfortunate apprehensions.

"He would now proceed to complete the analysis of the entire debt presented by the Secretary, by seeing what portion of it, upon his own data, was existing and to exist during the present year, and what portions were entirely a matter of anticipation, or were hereafter to be created by new appropriations.

"The amount given in the report is.....		$16,088,215 19
"The anticipated part of this is the treasury notes not due, and which the Secretary does not expect will be presented for payment until some time in the next year, amounting to	$6,087,274 04	
"The portions to be hereafter created by new appropriations are the sums recommended to be appropriated at this session for current expenditures, amounting to	2,521,336 98	
"And the sum recommended to be raised for a permanent treasury balance of	4,000,000 00	
		12,608,611 02
Carried forward.....		$3,479,604 17

"These sums should be deducted, by the Secretary's own showing, to arrive at the existing and anticipated debt of the present year, and they will reduce that supposed debt to the sum of		$3,479,604 17
"A further part of this balance, anticipated in fact, and which should be deducted to ascertain the true debt of the present year, upon the principles of calculation adopted by the Secretary, is the treasury notes issued by the late Secretary during this year, and not payable till next year, and which the present Secretary has mistakenly supposed may be paid in for the public dues, and thus enter into the expenses of this year, at least	$1,000,000 00	
"The part not existing as a debt, because the last administration left the money in the mints to pay it, and which still remains there, but which the present Secretary does not include in his estimate of means, is	215,151 88	
		1,215,151 88
"These deductions will leave a balance, being the existing and anticipated debt at the close of the present year, upon this manner of estimating and computing it, amounting to		$2,264,452 29

"This is precisely the sum which was arrived at in a former calculation of the true deficit to be anticipated at the close of this year, following the Secretary's course, but correcting his items.

"Still, that officer seems to treat the whole $16,088,215.19 as a subsisting debt, and expresses the opinion that the debt is too heavy to be paid in a less period than from five to eight years, without overburdening commerce and the people. His language is, 'It would, in the opinion of the undersigned, be unwise to charge upon commerce and the resources of the country, *in any form*, the burden of paying at once, or at all hastily, THE NATIONAL DEBT.' Hence he recommends that it be permanently funded for the term of eight years, and be only made payable at the pleasure of the government after that time. It has been

already seen that the subsisting debt, due and payable at the close of this year, even if the Secretary shall push expenditures, as he seems desirous to do, and no new appropriations be made, cannot, at that time, exceed $2,264,452.29, a balance which it would seem might be brought up, in a less time than the Secretary supposes, without a very heavy burden upon the 'commerce or resources of the country;' and especially as, when the amounts due from the banks shall be realized, that balance will be sunk even below $2,000,000.

"What, then, may be done with the debts to fall due next year according to the Secretary's recommendations? He tells us that the current revenue is not equal to the current expenses, and recommends an increase of the revenue from customs to remedy the further accumulation of debt in that way. How and to what extent does he recommend an increase in this branch of the revenue? By the imposition of a duty of twenty per cent upon almost all the articles of import which are now free from duty; and he tells us specifically how much revenue he expects to derive from this change of the law. He says:

"'If this measure be adopted, it is estimated that there will be received into the treasury from customs, in the last quarter of the present year, about $5,300,000; in all of the year 1842 about $22,500,000; and in the year 1843, after the final reduction under the act of March 2, 1833, about $20,800,000.'

"If these anticipations of the Secretary shall be realized under the legislation he proposes, when can the debt he exhibits be paid off by that increase alone? His estimate of revenue from customs for the present year, under the existing tariff, has been seen to be at the rate of $14,400,000 per annum. That will be $3,600,000 for the last quarter of the year. Under his proposed new tariff he promises us $5,300,000 for that quarter, an excess applicable to the anticipated deficit at the close of the year of $1,700,000. That deficit, as has been before seen, without new appropriations, cannot exceed $2,264,452.29. Deduct this excess of revenue levied by increased taxation, and there will remain of the actual subsisting debt of this year only the sum of $564,452.29, even if the bank balances be not collected and applied; and less than half that sum if they be.

"How, then, will it be for the next year? The Secretary gives us as the amount of treasury notes to be redeemed next year the sum of $6,087,274.04. This should be increased by the $1,000,000 of treasury notes due next year, and which have been in the foregoing calculations thrown over upon the next year, although the Secretary has supposed they will come in for public dues during the year, and has, for that reason, included them in the expenses of the year.

"This will make the whole debt chargeable upon the next year, from the transactions of previous years.....	$7,087,274 04
"Bring forward the whole of the above balance of the debt to exist at the close of this year, and which the proposed excess of new revenue for this year will not pay.....	564,452 29
"These sums make together, to be paid next year, over and above the current expenses of the year, the sum of.....	$7,651,726 33
"The excess of revenue from customs which the Secretary promises for the next year over the present, if his new tariff be adopted, is, as will be seen from the data above,	8,100,000 00
"This will pay off the whole debt at the close of the next year, and leave in the treasury, as applicable to other appropriations, the sum of.....	$448,278 67

"This is upon the assumption that the current expenses of the next year shall be kept within the present current revenue,—and would not that course be preferable to laying the foundation for a permanent funded debt out of the embarrassment resting upon the treasury?

"Still, the honorable Secretary recommends this large increase of revenue, which he tells us will be after the next year and after the compromise act of 1833 shall have gone into complete effect, an increase over his estimate from the same source for this year of $6,400,000 per annum; and at the same time he recommends the permanent funding for the period of eight years of this whole sum of more than $16,000,000, whether existing as a debt or anticipated to become a debt hereafter, and whether now authorized by law to be incurred as a debt or to be authorized by future legislation.

"This last recommendation would certainly appear paradoxical, after this view of the results which should be produced from the

proposed increase of revenue, were it not for another paragraph of the report, which reads as follows:

"'It is believed that after the heavy expenditures required for the public service in the present year shall have been provided for, the revenues which will accrue from that, or a nearly proximate rate of duty, will be sufficient to defray the expenses of government, and leave a surplus to be annually applied to the gradual payment of *the national debt*, LEAVING THE PROCEEDS OF THE PUBLIC LANDS TO BE DISPOSED OF AS CONGRESS SHALL THINK FIT.'

"This last line of the paragraph develops this whole singular system of financial policy of the Secretary, and what is it? Fail to apply money actually in the treasury to the payment of its liabilities, and call those liabilities a debt; anticipate an amount of more than $7,000,000 not due till the next year, and call that a subsisting debt; recommend the creation of further liabilities against the treasury, by new legislation, to the amount of more than $6,500,000, and call that a debt, while $4,000,000 of the amount is asked to be appropriated merely as a treasury balance, or, in other words, as a permanent deposit with the new proposed 'fiscal agent,' a national bank; fund the whole permanently, amounting to more than $16,000,000, for a period of eight years, and at the pleasure of the government beyond that time; take from the pockets of the people, by increased taxation, an annual sum varying from $6,000,000 to $8,000,000; and all this for what? *That Congress may dispose of the proceeds of the public lands as it shall think fit;* that Congress may give away one permanent and productive source of the public revenue; tax the people from $6,000,000 to $8,000,000 per annum more than they are now taxed, that Congress may distribute to their State governments less than half the amount, $3,000,000 per annum, the Secretary's estimate of the proceeds of the public lands. This is the new system of finance put forth to the country in this report."

CHAPTER XCIV.

APPROPRIATION FROM THE TREASURY FOR THE WIDOW OF PRESIDENT HARRISON.

Early in the session, after the death of President Harrison, the subject of making provision for his widow was brought before the House. Ex-President Adams reported a bill to give her $25,000, one year's salary for a president, which he supported in a speech, in which, among other things, he said:

"There had been some difference of opinion among the members of the committee as to the sum which it would be proper to appropriate, and, also, on the part of one or two gentlemen as to the constitutionality of the act itself in any shape. There had been more objection to the constitutionality than there had been as to the sum proposed. So far as there had been any discussion in the committee, it seemed to be the general sense of those composing it that some provision ought to be made for the family of the late President, not in the nature of a grant, but as an indemnity for actual expenses incurred by himself, first, when a candidate for the Presidency. It had been observed in the committee, and it must be known to all members of the House, that, in the situation in which Gen. Harrison had been placed — far from the seat of government, and for eighteen months or two years, while a candidate for the Presidency, exposed to a heavy burden of expense which he could not possibly avoid — it was no more than equitable that he should, to a reasonable degree, be indemnified. He had been thus burdened while in circumstances not opulent; but, on the contrary, it had been one ground on which he had received so decided proof of the people's favor, that through a long course of public service he remained poor, which was in itself a demonstrative proof that he had remained pure also. Such had been his condition before leaving home to travel to the

seat of government. After his arrival here, he had been exposed to another considerable burden of expense, far beyond any amount he had received from the public purse during the short month he had continued to be President. His decease had left his family in circumstances which would be much improved by this act of justice done to him by the people, through their representatives."

The principle that the treasury could be properly called upon to defray the expenses of a presidential candidate, or those occurring after his election, beyond his salary, was new and was denounced and resisted in the discussion on this occasion. It was from deep convictions of duty that Mr. Wright entered into the debate in the Senate, when this subject came before it. The bill passed the Senate by 28 to 16, and became a law on the 30th of June, 1841. This precedent was followed in 1865, in giving the widow of President Lincoln the same sum. Mr. Wright made the following remarks on the 25th of June, 1841. They show that he had moral courage to perform what he deemed his duty, irrespective of outside pressure or feeling, or any consequences, whatever they might be, to himself:

"Mr. Wright said it was not his intention to detain the Senate by going at large into the whole field of argument on this subject. When he came to his seat this morning he had deliberately determined not to say a word upon the subject, and but for the special and particular reference of the Senator from Indiana [Mr. Smith] to him he would not have yielded that determination. He had merely risen now to say a few words in relation to the example cited in the case of Mrs. Brown, of which it happened that he knew something more than had yet been explained. But, before he entered into details, he would take permission to say that this was one of those questions which sometimes come up in the Senate which he always felt unwilling to discuss, because they were treated, not as questions of argument, but as matters of impulse and feeling. There was no class of cases which opened so wide a field for this exhibition of mere impulse and feeling as

that of the pension system. In all such cases — perhaps unfortunately for himself — he had always considered it his duty to be against the sympathy, and guided, he hoped, more by reflection and a due regard to sound principles and great public interests than by those impulses of feeling which alone seemed to actuate others, who gratified their hearts at the expense of deliberate investigation and sound judgment. It was at the same time pleasing to him when he could, with both feeling and judgment, support a measure of this kind.

"He had voted for the grant to Mrs. Brown because he felt satisfied, at the time, that the grounds upon which it was urged were well established. Perhaps in this he was wrong, but then the conviction of his own mind was that he was right; and, with the leave of the Senate, he would make some explanation on that head and endeavor to draw a broad line of distinction between that case and the present. It was, as he then considered, the true ground of EXPEDIENCY to make that grant to the widow of Gen. Brown. It was undisputed that he died in the military service of his country and in poverty, and that he left his widow in a state of great destitution. The immediate force of the claim was grounded on her extreme poverty. She was left suddenly a destitute widow with a large family, and that, too, of daughters. It was alleged that this family of a most brave and deserving military officer could not even leave this city and convey themselves to their home without assistance to pay off the debts they had unavoidably contracted here. On what ground was the bill for that grant presented to the House of Representatives? It was presented and argued and passed there on the ground, first, of the broad principle of expediency: that it had always been the policy of this and every other civilized country to hold out strong inducements to those citizens who would come forward and sacrifice their ease and interests and jeopard their lives for the protection of the community; who would come forward in times of need with confidence that their country would not only pay them for their services, but remunerate them or their families for any calamitous consequences contingent upon the perilous character of the services in which they engaged. This always has been admitted to be the true policy of every civilized country. If an

officer is shot down in the field of battle, a permanent law upon our statute book grants his widow a pension for five years. It would be considered monstrous injustice to withhold it. Is not the policy equally cogent, that the officer wounded in battle, whose wounds are subsequently the cause of his death, should have as just a claim for the pension of his widow? Does not true policy go even further, and point out that the man who is in the service of his country, and whose life is constantly exposed to danger in guarding the lives, property and liberty of his fellow-citizens — who may, at any unforeseen moment, be killed, and leave his family unprotected, and destitute of those means which he could have provided for them in the ordinary walks of life — that he, though he escapes those hazards with his life, should have an undisputed claim to a pension from his country when no longer able to continue in arms? It was under the military pension law that Gen. Brown was entitled to a pension as an invalid. That his death was occasioned by wounds received in battle, was placed beyond a doubt by the certificate of his attending physicians. What stronger grounds could any claim have than those of the widow of that distinguished and meritorious officer? He, Mr. Wright, believed Gen. Brown died in the month of February. The claim was for his pay and allowance to the end of the year. This certainly established no principle for the policy of pensioning the widow of a civil officer dying in the public service. It established no precedent for a gratuity as indemnity to the family of a civil officer for losses occasioned by his acceptance of office, or death while in it. Is it desired, as matter of expediency or policy, to encourage the citizens of this republic to seek office? Has the recent rush and scramble for office shown that there is any necessity for holding out additional inducements to the cupidity and avidity for office which already prevail to such an alarming extent? He believed the gentlemen themselves — he would not say, speaking from their own experience — would readily grant that no such inducements were necessary. They would admit that, in order to induce individuals to accept office, it was not absolutely indispensable that they should be assured of a pension for their families in case of death during their continuance in office. They at least seem to find no difficulty in

obtaining candidates without the seduction of promised pensions or gratuities.

"If this bill is placed on the statute book — as everybody knows it will be, in spite of all remonstrance — who can say how much further the pension system is to be carried? Who can tell the fatal effects of the pernicious example which it will prove, or the result of such a new and powerful inducement for seeking office?

"What is the precedent avowed for this grant? There has been no reliance upon any in point but that of the grant to the widow of Gen. Brown. Is that really a precedent in point? Will any gentleman seriously say it is? Where is the analogy, if they fairly contrast that case and this?

"It has been urged that Gen. Harrison's expenses were great in consequence of his being called to the presidential chair. He, Mr. Wright, confidently trusted it was not intended to include the expenses of obtaining his election; he would take it for granted that all gentlemen meant by this claim was the expenses in consequence of that election. Gen. Harrison was elected in December, and was to take possession of the presidential chair in March. He resided in Ohio up to that time, enjoying the felicitations of his political friends at whatever voluntary cost he thought proper. What did he do that he was compelled to do? Was he in fact under the necessity of making any sacrifice at all? Did he break up his family at home — sell off his furniture, and dispose of his estate, or his family mansion, either temporarily or permanently, at a sacrifice. He, Mr. Wright, understood he did none of these things. He understood that none of his family even accompanied him here to the seat of government; that he came alone, in respect to his own family. If he had broken up the permanent residence of his family, disposed of his domicil, sacrificed his estate, his widow might have some reason to complain. But did he do this? He, Mr. Wright, understood he did not. On the contrary, he understood he proceeded with great caution. His wife did not even accompany him; he, Mr. W., believed she had not even yet visited this city. Gen. Harrison, with regard to his domestic relations, came alone. Was that necessarily so very expensive? Was it more so than for any member of

Congress to travel from Hamilton county, in Ohio, to the city of Washington? He was here for a few days before he entered upon the duties of his office. He was at one of the public hotels of the city; and even for those few days, allowing that the dignity to which he had been elevated occasioned more expense than he otherwise could have been subjected to, it could not, in that time, have amounted to much, in comparison with $23,000. The day he entered into office his salary began, and was, of course, adequate to his expenditure. But, in one short month, he fell by the hand of the universal destroyer, death. Take it for granted that no expense, over his salary, occurred, in consequence of his death, and what is really the amount of loss for which the Senator from New Jersey is about to recover a verdict from a jury of his country? How will he make out that this debt of $23,000 has accrued against the country? Will he prove that it is a debt due to this very worthy lady for the loss of her husband? Has she suffered by his death to a greater extent because he was President, than if had not been in that high office, but had died at his home at North Bend, on the same day, and at the same moment? No doubt his death was to her a heavy affliction, and, perhaps, in a worldly point of view, a great pecuniary misfortune. But was she, by this visitation of Providence, placed in a worse condition than hundreds of much poorer and more destitute widows, whose hearths were made desolate by the unsparing hand of death? Was not her misfortune one that must happen to all, and does happen every day, to others, who never think of setting up any claim upon their country in consequence of their sufferings? It is a mere proposition to make that lady a donation, under the veil of a payment of debt. And the question must be, if there was even no constitutional objection, is the measure one of either expediency or policy? His, Mr. W.'s, conviction was that it was neither. He knew that he would be accused of having a cold and flinty heart, if not a political prejudice against the subject of this claim. But, if he knew himself, he could with truth and sincerity say that not one particle of political or personal hostility dwelt in his heart against Gen. Harrison's memory or the interests of his surviving family. He had never entertained personal feelings of hostility against him while living, much less did he entertain

them now that the sanctuary of the tomb has shut out all worldly animosities. Gen. Harrison had gone down to his grave unaccompanied by any aspirations of his but those of unfeigned regret for his death and due respect for his private worth when living. And, although he, Mr. W., belonged to a school of politics different from his, that circumstance never could prejudice him against what would be in itself right, or be extended to Gen. Harrison or his family, personally, in the consideration of any claim founded in fact and sustainable upon principle. He objected to this bill on constitutional grounds — on the ground of its expediency, impolicy and dangerous tendency; and, actuated by these considerations, and these only, he should record his vote against it."

CHAPTER XCV.

FISCAL BANK OF THE UNITED STATES.

When the independent treasury law was repealed, there was no legal provision concerning the custody of the public moneys. Mr. Tyler was not friendly to the old Bank of the United States, and something different from it in some respects had to be devised to secure his approval. On the 12th of June, 1841, the Secretary of the Treasury sent to the Senate a plan for a "fiscal agent," having some of the features of the old bank. A bill was reported designed to carry out the views presented by the Secretary. This bill underwent a thorough discussion, in which Mr. WRIGHT participated. He sought by amendments to prevent the government subscribing for stock in the bank, and its going into operation until the whole capital should be paid in. But he was unsuccessful. His remarks, given below, will explain his views upon these and other subjects connected with the bank.

"Mr. WRIGHT moved, as an amendment to the first section of the bill, to strike out the clause providing for the subscription by government for 100,000 shares of the stock of the bank. Mr. W. said it would at once be seen that the effect of the amendment will be to separate the United States from the corporation. He, Mr. WRIGHT, had been unable to discover, from the debates which had yet occurred on this bill, or from his own reflection, any reason for retaining this connecting clause and making the government a sharer in the institution, unless it arises out of one or other of three principles: The first of these is one of profit and pecuniary advantage. It is put forward that the stock will be profitable and that the treasury will make money out of the subscription on behalf of the government; that this profit will be

the difference between five per cent and seven per cent. It was not long since the country was told the government was deeply in debt and had no surplus in the treasury. If we have not only no capital to spare, but are in debt, the question is, would it be prudent, or could it be right or expedient to contract as much more of debt to put into bank stock on a mere chance of making profit? Would such a course be one of sound policy in an individual who owed a large debt and had no spare means on hand? Would it be proper, or at all excusable, in such an individual, to borrow as much as would double his indebtedness for the sake of speculating in bank stock? If it would not be proper or expedient in an individual, it would not be proper or expedient in this or any other government. It is proposed to take from the pockets of the individuals composing the community the capital to be borrowed by the government, already alleged to be in debt, and to invest it in this bank stock, in which the people themselves could put it if they should think proper to do so, and if they had it to spare over what they owed. But it is said the profit will be so great as to justify that course. Well, then, with regard to the profit, let that be examined into a little. The eight per cent dividends of the late United States Bank were held up as a temptation; but he, Mr. W., thought his friend from Pennsylvania [Mr. Buchanan] had shown pretty clearly that instead of eight per cent, that concern, on the winding up, hardly yielded an average, for the whole term of its charter, of six per cent dividend. And even that was when the banking capital of the country, relative population and everything else considered, was not one-third of the amount it is at present. Now, with a competition of bank capital three times greater than the late Bank of the United States had to contend against, what probability is there that the stock in this new bank shall exceed the five per cent interest which the government will have to pay on the loan proposed to be raised for purchasing stock? Is not there a greater probability that the dividends will be less than five per cent, and that there will be a loss on the government stock? It seemed to him, Mr. Wright, that, on the score of profit, there was anything but encouragement to hasten this measure.

"The next ground which he, Mr. Wright, could conceive

possible for the partnership connection between the government and the corporation is, that if the government does not become a shareholder to the amount of at least one-third of the capital, the rest of the stock will never be subscribed — that is, it is necessary to hold out to private capitalists the inducement of the credit of the government being pledged, to tempt them to take the stock. Well, are the friends of the measure ready to come forward and place the necessity of the connection on that ground? If they are, let them say so; but they will not do it. But can they deny the fact that the partnership of the government is to be used for the purpose of lending its credit to the institution, and that upon the faith of that credit the stock is to be subscribed? It is urged, as the whole power is in the hands of the stockholders, that if a bank cannot be framed here, which they will approve, there will be no bank at all, and private capitalists will not subscribe unless the government takes one-third of the stock. Is not the inference indisputable that the credit of the government is to be the temptation to private capitalists? Now, the necessity for this temptation was conclusive evidence that the speculation is in itself bad; that the whole project is bad.

"The third ground, which he, Mr. Wright, did not know had been urged, but which, probably, might be taken, in favor of the connection, by that portion of the trading community which deals most largely in banks, was, that the partnership thus formed would give to the institution the influence and the interest of the government. No doubt it would be thought that on that account it would be desirable the government should take a much larger share in the stock.

"On these points it was his, Mr. Wright's, opinion, and he was sure that of the friends with whom he acted, that under any conceivable circumstances it could not be desirable to connect the money and the credit of the government with any institution, to give it a credit that would sustain it in the eyes of the people, if it could not sustain itself in the public estimation without the aid of that borrowed credit. If the institution cannot sustain itself by its capital and its good conduct, it is not proper that the credit of the government should be used to keep up a rotten and bankrupt corporation."

Mr. Clay, in addressing the Senate, made this inquiry:

"Would the Senator from New York rise in the face of the country and say there was more security in the sub-treasury and the sub-treasurers — the Isaac Hills, the John Does and Richard Roes — than in such a bank as this?"

"Mr. Wright (from his seat)—I do say it, sir.

"Mr. Wright said he did not mean to consume more time than he judged necessary for the honest discharge of his duty to his constituents and to the whole country. So much he hoped he would be permitted to do, without feeling under any necessity of restraint on account of incurring the severe displeasure of the Senator from Kentucky. He, Mr. Wright, did not know till now that the opinions which he had been repeating over and over in this chamber, for the last three years, were at last new to the Senator, or that the expression of them on this very appropriate occasion should excite so much of his ineffable surprise.

"But if, after the three years' experience just past, he, Mr. Wright, should express ineffable surprise and astonishment at finding the Senator from Kentucky standing up on this floor and advocating such a measure as this, that Senator ought at least to allow him to do so without imputing to him anything very irrational. Indeed, after the experience of these three years — not alone as to the real character of the banking system, but also as to the dawn of light and truth which the reinstatement of the old constitutional mode of safe-keeping the public money had shed — he, Mr. Wright, thought it ought not to excite the ineffable surprise and astonishment of the Senator from Kentucky that he, Mr. Wright, and his friends did prefer the sub-treasury to the partnership proposition of the new bank and the government. The Senator says, look at Swartwout! I say, look at the president and officers of the late Bank of the United States. And as to the defaulters, he could not see that they suffered much in the contrast with the bank directors, cashiers and tellers. Agents are but men; but he was yet to learn that bank officers were honester or safer guardians of the public funds than the officers of the independent treasury. They cannot be more honest, the probability is they may be less, than the officers of the independent treasury.

"The honorable Senator asks, as if triumphantly, will nothing be granted to experience? On that score much will be granted: the every-day experience of the working of the bank system from one end of the Union to the other; the experience recorded in every newspaper from cities, towns and hamlets, of absconding bank officers, plundered bank coffers and duped and swindled stockholders. Was this system ever half so bad as it is at the very moment this measure is advocated here, in the face of all these facts and this test of experience? This is the experience which is to teach us that the partnership of the government with a bank corporation is to be safer than the independent treasury. It was to be hoped, then, that with such evidence the honorable Senator would cease viewing with ineffable surprise the opposition which he, Mr. Wright, considered it to be his duty to offer to this bill.

"Mr. Wright then moved to strike out from the sixth section of the bill that part which provides, if the amount of stock to be taken by individuals, States or corporations is not subscribed for before the twentieth December next, the Secretary of the Treasury shall subscribe for the residue, and be empowered to sell it afterward at not less than cost. Mr. W. referred to the argument of gentlemen on the question last before the Senate. The government was to subscribe ten millions to give security to the public deposits, amounting, as the Secretary says, to four millions, but which, in his, Mr W.'s, opinion, need not amount to half that sum. Then the government was to borrow $10,000,000 to place with the directors, to indue them to keep four millions safely; and not content with that, we are to borrow six millions more. What was the effect of this? If this bill is passed, you send out a bank charter with a notice that you have already taken, instead of one-fifth, which has heretofore been found a sufficiently large investment in a banking corporation, full one-third; and if the public don't take more than two-thirds of the remaining twenty millions, you will take the balance. The individual stockholders' subscriptions will amount to thirteen millions, and those of the government to sixteen millions, and the individual stockholders choose six directors, while the government chooses three, they having two-thirds of the man-

agement, and one-third of the capital, and we furnishing two-thirds of the capital, and having but one-third of the management. What is this but an invitation to corrupt any unprincipled men, who are enabled to raise the means of purchasing stock in this bank, to do so, for the purpose of handling the public money? Who ever has seen, or read of in history, an institution in which public money was placed under private management, in which the trust was not abused? The Senator from Kentucky has made himself believe that the country is mad after this bank, and yet he is afraid that when we subscribe one-third of its stock the country will not subscribe for the other two-thirds, but we must build it up with the government money, while we give the management to private individuals."

CHAPTER XCVI.

THE LOAN BILL OF 1841.

A bill came from the House, on the 16th of July, 1841, authorizing a loan of $12,000,000, which, on motion of Mr. Clay, was taken up for consideration. He opened the discussion, and was followed by Mr. WRIGHT, who pointed out objections in its details which to him were insuperable.

"Mr. WRIGHT remarked. In the course of the preliminary debate, it was obvious that a wide difference existed between the Senator from Kentucky and himself as to the liabilities and resources of the treasury; but, without going into that matter now, he would say that he would be much relieved if convinced that the passage of this bill would not facilitate proceedings in carrying out the provisions of the bill to distribute revenue derived from the sales of the public lands. If on the face of this act of legislation he could see the distinct and clear declaration that the bill was not intended to borrow money to supply a deficiency proposed to be created by the distribution of the land sales, the bill would be divested of one of its most serious objections. Without expressing his opinion as to the wants of the year he felt bound to supply them, and for the year only, leaving the future wants of the government as a subject for consideration when the rearrangement of our system of duties was taken up by Congress. He had prepared an amendment, which he was unable to see would be objectionable to the friends of the bill. He desired to render it certain that they should not borrow any money to supply any distribution from the treasury. He moved the following amendment, to be added to the first section of the bill:

"'*Provided, however*, That nothing in this act contained shall be construed to authorize any further or greater amount of loans than shall appear to the President of the United States to be necessary to defray the current expenses

of the government, and to redeem, as they shall become redeemable, the treasury notes which have been issued, and are to be issued under the authority of existing laws, after the application of the money in the treasury, and all the accruing revenue from customs, lands and all other sources to this object.

[" 'Nor shall any portion of such money or revenue, or the avails of any loan to be made under the authority granted in this act, be applied to the redemption of treasury notes outstanding and not due, and payable according to the terms of such notes;] nor any portion of accruing revenue, from whatever source derived, be applied to any other purpose than the payment of the current expenses of government, and the payment of the outstanding treasury notes due and payable, when the consequence of other appropriations might be an increase of public debt to be contracted under this act.'

"The design of the amendment was that the money should not be borrowed, except to supply a deficiency which might exist in the treasury after the application of the now accruing revenue, and that the loan shall not be made under this bill to take up in advance the outstanding treasury notes. He considered it would be a bad operation financially to redeem these notes now in a stock which had three years to run.

"If the customs were increased, as the Secretary of the Treasury had recommended, those notes could be redeemed by the accruing revenue. And the object of the amendment was also to make the bill what the honorable Senator from Kentucky said it was designed to be — an authority to supply the wants of the treasury, and not by any means to facilitate the operations of the distribution act.

"Mr. Wright then moved to renew the amendment which had been proposed by the Senator from Arkansas [Mr. Sevier], and was rejected. We were told by the Senator from Maine [Mr. Evans] that there were ten millions of treasury notes outstanding, and the object of the loan created by the bill was to redeem them; but under its provisions every note may be reissued. He, Mr. W., had not taken the full scope of the proposition when it was first submitted by his friend from Arkansas [Mr. Sevier], but the debate which succeeded it convinced him of its importance, and he thought it was not possible that it could be rejected. This bill proposes to confer the power of borrowing twelve millions, and the power to reissue treasury notes to the extent of six or

eight millions, making together eighteen or twenty millions. This confers power on the executive over the treasury and the credit of the nation in duplicate. He knew that it might have the appearance of disrespect toward the Senator to reoffer an amendment which had been rejected, but he had done it in hopes that Senators might turn their attention to it. He had been engaged for two days in arguing with the Senator from Maine [Mr. Evans] against taking up these treasury notes before they were due, but he had no expectation that it was contemplated to have the loan and the notes both in operation. [After further discussion] Mr. Wright said he wished to modify the amendment so as to cover the case in any count, so that it should not be lawful for Congress to reissue treasury notes, no matter how redeemed at the treasury. He did not wish a technical vote to be taken. It mattered little in what light the existing law was viewed; the question was to limit the expenditure. [Mr. Clay hoped the Senator would be accommodated.] Mr. Wright then, by general consent, modified the amendment so as to read:

"'*And be it further enacted*, That it shall not be lawful for the Secretary of the Treasury, after the passage of this act, to reissue any treasury note received at the treasury in payment of any public debts, nor to reissue any such treasury note paid or redeemed by him in any other manner, nor to issue any other notes in the place of those so paid and received.'

"Mr. Wright said the object of the amendment was single and simple. What he wanted was that, when the power to create a loan of twelve millions was conferred on the executive, the power to reissue treasury notes should cease. Mr. W. referred to the law authorizing the issuing of treasury notes, and the practice of the department under it, which was as follows: In the early part of the year the means of the treasury are short, and the Secretary issues a large quantity of treasury notes. In the middle of the year the Secretary finds himself in the possession of five or six millions in cash, and he gives notice to the holders of these notes, say the Bank of Commerce, or the Bank of America, you hold five or six hundred thousand dollars in treasury notes, and I give you notice that in sixty days I will redeem them. He does so, and the notes are redeemed. Toward the close of the year the Secretary again feels himself straitened

for means, and notes are issued in place of those redeemed as above, and these notes run the full amount of the original time on their face — to wit, one year from the time they are reissued. And now what sort of a discretion are we asked to confer? He would take the statement of the Senator from Maine [Mr. Evans]. He says there are ten millions of treasury notes outstanding. If they are redeemed before their date, or received for duties one day before they are due, every dollar of them may be reissued, and they may run the whole length of their original date. And what was the argument of the Senator from Kentucky, when he calls upon us to vote to the amount of six millions beyond what we suppose he even asked us for? Why, that to refuse it would evince a suspicion of the honor of the President or the Secretary of the Treasury. He, Mr. W., had usually great pleasure in listening to the Senator, and admired the ability with which he sustained himself, and he had writhed under the severity of his denunciations against the implicit faith in the executive which he attributed to the friends of a former administration. He could not but rejoice at the catholic change of sentiment in the Senator on this subject. But in the days of our greatest devotion to the executive we never taxed our faith to the extent now proposed, or asked our opponents to yield their honest convictions to a generous confidence in the probity of the executive.

"Mr. W. said if Senators supposed the opposition to be actuated by a mere wish to procrastinate, they did them wrong. Yesterday they had tried to prevent the money to be raised by this bill from being applied to the purposes of distribution; and after occupying nearly the whole day in the discussion, they failed. To-day we have tried to limit the amount to what we believe, and what we are justified in believing by the official data, and the statements of Senators themselves, to be the actual wants of the treasury, and in this we have also failed. And now, at the last moment, we have detected, through the vigilance of the Senator from Arkansas [Mr. Sevier], a power by which the Secretary of the Treasury can go far beyond what we had thought the already unnecessarily large sum provided for in this bill, and this duplicate power is now avowed and defended, not, as Senators say, that they will both be exercised at once, but to

prohibit the exercise of either would be to impugn the honor and good faith of the executive. We are called not only to vote the amount of loan which is nominally to redeem these notes, but to allow the reissue of them; to permit them to borrow money under either, or under both. When did we ever ask of honorable Senators on the other side such confidence? Never. And when they ask it of us, we tell them it is unreasonable, and will not be granted."

A vote was taken on the amendment, which was lost—ayes, 19; nays, 25. The bill was passed—ayes 23; nays 20—and was approved by the President July 21, 1841.

CHAPTER XCVII.

DISTRICT OF COLUMBIA BANKS.

A bill was reported to recharter six banks in the District of Columbia, and an amendment was pending to authorize them to pay out and circulate the notes of suspended banks until the 1st of March, 1842. In the debate on this question Mr. WRIGHT participated, and addressed the Senate as follows:

"Mr. WRIGHT said this was by no means a new subject in the Senate. He noticed yesterday what he had often noticed before, that the discussion was carried on as if the proposition was against these banks *receiving* the notes of non-specie-paying institutions, whereas that was not at all the question at issue. He had noticed, during the reading of the provision by the Chair this morning, that the prohibition intended by the amendment, now sought to be stricken out, was against the *paying out* by those banks of irredeemable paper, and not in relation to the receiving of it by the banks. The amendment of the Senator from Missouri was to prevent these banks from paying out paper absolutely and declaredly irredeemable. It seemed singular, after forcing through this body a national bank to regulate the currency, the professed and boasted object of which is to abate and finally drive out of the country all irredeemable paper, the same gentlemen who urged so prominently and determinedly this object, should now be found with equal zeal and earnestness exerting all their powers to call into existence six local banks in this District, for the avowed purpose of enabling them to circulate paper not their own, but of other institutions which avow they are not prepared to redeem their issues, and will not redeem them. These District banks are to be chartered on the delusive condition of redeeming their own issues in specie, while, at the same time, they are to be protected against suit and liability to

suit, by issues of notes, not their own, for the payment of which they are not liable, and which neither they nor any one else will pay in specie. They are to be authorized to circulate the irredeemable currency of all the surrounding States, and consequently will not circulate their own notes in preference, because they would have to redeem them in specie.

"These District banks have paid Congress a visit almost every session for the last six or seven years, for the purpose of obtaining renewals of their charters for short periods, the gentlemen on the other side always voting in their favor on every question. They declared, each time they voted, that it was the last vote of the kind they would give — something must be done to produce soundness before the expiration of the short charters at each time granted. This was the third Congress in which he had noticed this course. He had thought the charters of these banks had expired two years ago on the fourth day of this month, and that now the whole two years allowed them to close their affairs and finally wind up had entirely expired, but he learned that but one of those years had in fact expired on the fourth of the present month. When the question of recharter of these banks came up in 1837, it was urged, as an unanswerable argument, that while all the other institutions of the country were in a state of suspension it would be unjust to require these banks to resume and sustain specie payments, — it would be time enough to ask them to pay when the New York and eastern banks resumed. Well, the New York and eastern banks did resume; and then it was urged that these District banks should not be required to make specie payments while the banks of the neighboring States were in suspension; wait till the banks of Philadelphia resumed, there would then be a sound and wholesome currency. The Philadelphia banks and the banks of the neighboring States continue in a state of suspension, the District of Columbia is flooded with an irredeemable currency, and these six banks must be chartered to remedy the evil. And how is this to be done? By authorizing them, in their charters, to give a wider circulation to this irredeemable currency! If it is urged that now is the time to secure a redeemable currency in this District, the cry is, wait till the great regu-

lator — the national bank, forced on the country at this extraordinary convocation of Congress — gets into existence, and when this splendid machine is in full operation the charter of these six banks will have given it something in this District to operate upon; these banks will have circulated so much irredeemable currency that the beautiful effects of this great regulator will be more advantageously displayed.

"A good deal had been said about the distress of this District, and the great cry-out there was for the chartering of these banks to relieve this distress. Well, now, when did this distress exist? Was it to be inferred from the active improvements going on in this city? He, Mr. Wright, had not within his recollection, in any one season, seen so many buildings going on or such a general appearance of prosperity; and all while there is not a bank in the District, and has not been for the last year. It is said the irredeemable paper of the surrounding States flows in here, and that every business man complains of it as a great evil which ought to be abated. The abatement of the nuisance they do want, but they do not want an addition to this circulation of irredeemable currency.

"The Senator from Indiana [Mr. Smith] said yesterday that he never voted for a bank charter that he did not believe would be beneficial to the people. That was what he always considered in preference to the interests of those concerned in the corporation itself. It was certain, however, that most of the local banks of this country had issued and kept in circulation an irredeemable currency, declared by every Senator on both sides of the House, day after day, to be the greatest curse that ever afflicted any country, and for the cure of which it was so necessary to establish their great and splendid regulator. The Senator and himself, Mr. Wright, had been a few years together in this body, and he, Mr. Wright, doubted if the Senator had ever, during that period, been called upon to act upon the charter of one of these banks that he did not vote for the bank presented, and in doing which it had not been the conclusion of his mind that *these* and *all banks* were for the benefit of the people. He did not recollect a single instance, in which an occasion was presented in this body, that the Senator from Indiana did not vote

for a bank charter. This was conclusive proof that he considered all banks for the benefit of the people more than for the benefit of the corporations themselves. He, Mr. Wright, did not impugn the sincerity of the gentleman in the conclusion to which he had brought his own mind, for he really believed that Senator thought he was voting for the benefit of the people. Certain it was, however, that the people did not benefit by an irredeemable currency. The Senator, he thought, in his votes, had been in an error of judgment, not of purpose. What was the first paper presented here, at the present session, in favor of the bill now about to pass? It was read from the Clerk's table, and was a petition from whom? From the directors and stockholders of these very banks. What did it say? That the condition of the *people* of the District was deplorable for the want of banks! That the revival of these charters was asked for the benefit of the people! That the people were in distress and this action was called for to relieve that distress. The extension of the charters was not desired for the benefit of the corporators. Oh, no. It was for the benefit of the people. But who made the call? Was it the people themselves? Certainly not. It was those interested in the corporations, the stockholders and bank officers. And they said exactly as the Senator from Indiana said yesterday, that it was all for the benefit of the people; all for the people, nothing for themselves.

"But, with regard to the amendment to the amendment now under discussion, as he understood it, the proposition was to let those six banks circulate and keep in circulation all the irredeemable paper currency they can, up to the first of March next. By that time it is supposed there will be an effectual remedy provided in the new fiscal bank. But when does this great regulator go into operation? As its friends would make us believe, months before that time. The irredeemable paper currency which it is to sweep out of existence is to be gathered up in this District by these six banks, that the great regulator may show its immense and beneficial power, by clearing it all out with one fell swoop. What occasion is there for any irredeemable currency in this District? Is there a point in the whole Union so favorable for the maintenance of specie payments as this District? Is there

a point where specie payments can be sustained so cheaply, so conveniently and so certainly? None. All the disbursements of the government here are made in specie, thus presenting daily a quantity, actually circulated, far beyond the wants of the District banks. He concluded by hoping the modification offered by the Senator from Georgia would not be adopted, and that the amendment of the Senator from Missouri would be retained."

The bill was ordered to be engrossed for a third reading by a vote of ayes 30, nays 14. After having passed the House, the bill received the approval of the President on the 25th of August, 1841.

CHAPTER XCVIII.

DISTRIBUTION OF PUBLIC MONEYS.

Distribution of the public moneys to the several States from some fund, and in some form, was, from 1836, for many years, a favorite policy of the whig party. Various plans were contrived to accomplish this object. As the public lands had been given by certain of the States, or purchased with common funds in the treasury, the distribution of the proceeds derived from them seemed to be the favorite one. At this special session, called by President Harrison, numerous schemes for distribution were presented and legal provisions proposed which Mr. WRIGHT believed would end in that, if not so designed by the authors. Hence his various discussions were designed to defeat any such purpose, or consequence. On this subject he thus addressed the Senate:

"Mr. WRIGHT said: Mr. President, I have, upon a former occasion, discussed at large the proposition for the distribution of the proceeds of the sales of the public lands to the States. I do not propose now to repeat the arguments I then used, or to present again the facts then presented. It is enough that they remain undisturbed, with a single exception, and that I will now notice. The honorable chairman of the committee who presented this bill to the Senate [Mr. Smith, of Indiana], in his opening argument in its favor, did me the honor to review one of my constitutional positions; and he did so with a fairness and candor characteristic of the honorable Senator, and which calls for a reply from me. To make that reply in the same spirit, I must first state the honorable gentleman's argument, as I understood it, and I invite him to do, what I am sure he will do — correct me if I state it erroneously. He said Congress had the power 'to lay and collect taxes, duties, imposts and excises, to pay the

debts and provide for the common defense and general welfare of the United States,' *and for no other purpose.* That, by necessary consequence, the power 'to lay and collect taxes, duties, imposts and excises,' did not extend to the purpose of distribution. That the money so brought into the public treasury must, by the imperative mandate of the Constitution, be appropriated 'to pay the debts and provide for the common defense and general welfare of the United States;' and that the power to distribute the land revenue, or any other portion of the public property, or revenue, must be found in a different constitutional grant.

"I must here leave the argument of the honorable Senator for a moment, to recall to the remembrance of the Senate, and the country, an important admission made, and position assumed, in the course of the extraordinary proceedings of this extraordinary session of Congress, from another and most significant quarter. The honorable Senator from Kentucky [Mr. Clay], when the loan bill was before this body, and was resisted upon the ground that it would be, in effect, if it was not designed to be in fact, a law to authorize a loan for the purpose of distribution, stated distinctly that it was not intended to borrow money, under that law, to enable the treasury to spare the land revenue for a distribution to the States, but that it was intended, when the new tariff bill should come up, so to regulate the taxes and duties to be levied and collected under it as to accomplish this object. He, therefore, avowed the policy to be to exert the power 'to lay and collect taxes, duties, imposts and excises' for the express purpose of placing in the treasury the means to make this distribution. This, I am aware, does not necessarily affect the argument of the honorable chairman of the committee. The honorable Senators may differ in their views upon this point; and, while their policy is the same, and their object the same, they may entertain different opinions as to the principles upon which that policy is to be sustained.

"I will return to the argument of the honorable chairman, and see if there be, in effect or in principle, any essential difference between the distinguished gentlemen. The honorable chairman, as we have seen, says, 'Congress can lay and collect taxes, duties and so forth,' to pay the debts and provide 'for the common

defense and general welfare of the United States,' and for no other purpose; but that, under another clause of the Constitution, all the money and property of the country, not directly derived through the exercise of this power 'to lay and collect taxes,' is within the broad and unlimited discretion of Congress, and may be disposed of in any manner, and for any purpose, which shall be sanctioned by that discretion. This I understood to be the position assumed.

"The provision of the Constitution referred to and read was the second clause of the third section of the fourth article of that instrument, and is in these words:

"'The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.'

"The power here conferred, it will be seen, is as broad as the terms 'territory' and 'property.' It is a power over 'the territory or other property belonging to the United States;' and, whatever may be its extent, it is precisely the same over 'the territory' and over 'the other property.' It would seem, therefore, not merely the natural, but the necessary construction of the clause, that the power conferred upon Congress under it extends equally to everything which is *property* and belongs to the United States, and, consequently, to money belonging to the United States as well as to any other description of property, and as well to money derived from 'taxes, duties, imposts and excises,' as to money derived from the public lands, or from any other source.

"Yet the honorable chairman seems to suppose that the disposition of the money derived from 'taxes,' etc., is limited to the objects of expenditure enumerated in the clause of the Constitution granting the power 'to lay and collect taxes,' etc., and that that limitation is not applicable to money or property belonging to the United States, and not being the direct proceeds of a tax or duty. That the limitation is applicable to the appropriation and expenditure of money collected from taxes, duties, imposts and excises, I fully agree with the honorable chairman; and the only difference between us is that I consider the limitation equally

applicable to the appropriation and expenditure of all other moneys belonging to the United States, from whatever source derived. My construction of the Constitution is, that the power of Congress to raise money, and its power to expend money, are precisely equal. It can raise money 'to pay the debts and provide for the common defense and general welfare of the United States,' and for no other objects; and it can constitutionally expend money 'to pay the debts and provide for the common defense and general welfare of the United States,' and for no other objects. This is my reading of our constitutional powers in these particulars.

"I will put a single case to the honorable chairman, to test the practical operation of his doctrine. He says Congress cannot 'lay and collect taxes, duties, imposts and excises,' and distribute the money to the States, because the Constitution requires that the money so raised shall be applied 'to pay the debts and provide for the common defense and general welfare of the United States;' but if there be money or property belonging to the United States not derived directly under the power 'to lay and collect taxes, duties, imposts and excises,' such money or property may be, by a law of Congress, distributed to the States, or disposed of in any other manner, or for any other object which the discretion of Congress may select, because the Constitution has imposed no limitation upon the appropriation and expenditure of such money and property, but has expressly granted to Congress the power 'to dispose of and make all needful rules and regulations respecting' it. Congress has, by the Constitution, the express power 'to borrow money on the credit of the United States,' and that without any limitations, in the clause conferring the power, as to the objects for which the money may be borrowed. The grant of the power is clear, distinct and perfect; and, according to the rule of construction adopted by the honorable chairman, is without limit other than the discretion of Congress. We pass a law, then, to borrow money, and direct the distribution to the States of the money so borrowed. Is there anything unconstitutional in this, according to the argument of the honorable chairman? Certainly nothing. The money distributed is not derived under the power

to 'lay and collect taxes,' but under the power 'to borrow money.' It is free, therefore, from the limitations of expenditure imposed upon money derived from taxes, and is subject to the unlimited disposition of Congress at its discretion. Still, the money borrowed creates a debt; and Congress is expressly authorized 'to lay and collect taxes, duties, imposts and excises *to pay the debts*' of the United States.

"I now reach the practical argument of the honorable chairman, and it is this: Congress cannot lay and collect taxes to obtain money for distribution to the States, because the Constitution limits the use and application of money so obtained; but Congress can borrow money to distribute and then lay and collect taxes to pay the debt thus contracted.

"I cannot say a single other word to make this point of the argument more clear or palpable; but there is another view of it which I am bound to take in the connection, and it is this: Congress cannot 'lay and collect taxes, duties, imposts and excises' and distribute the money to the States, because the power to raise money in that way is expressly limited 'to pay the debts and provide for the common defense and general welfare of the United States;' but when the money has been expended in building ships, forts or other works of defense the limitation in the Constitution has been fulfilled; the ships, the forts, or whatever else, become the 'property' of the country, and, upon the principle contended for by the honorable chairman, are subject to any disposition which the unlimited discretion of Congress may choose to make of them, under the constitutional grant of power 'to dispose of, and make all needful rules and regulations respecting, the territory and other property belonging to the United States.' The ships, the forts, the arms, therefore, of the United States, may be exposed to sale as well as the public lands, to raise a fund for distribution; and this exercise of power, as well as that to borrow money, may, according to this argument, be brought in aid of this corrupt and corrupting policy, while the taxing power must follow each to make good the ruin produced or the debt contracted.

"Is it possible that such is the system of government which our noble fathers of the Revolution and the sages of the conven-

tion of 1787 intended to bequeath to us? Did they, in our glorious Constitution, intend to provide that Congress should not lay taxes for the direct benefit of the separate States, but that the money collected from taxes should first be converted into ships, or forts, or arms for the common defense, and then that those ships and forts and arms should be again converted into money to be distributed to the States? Did they intend to deny to Congress the right to lay and collect taxes for distribution, and expressly grant the power 'to borrow money on the credit of the United States' for that purpose? Can Senators reconcile their minds to absurdities so monstrous to sustain a policy so suicidal both to the States and the Union?

"As it is not my intention to protract this argument upon this occasion, I will leave it here and turn my attention more immediately to the amendment under consideration.

"The proposition is, to pledge the public lands to the public defenses of the country, naval and military, as a substitute for a distribution of the proceeds of the sales of those lands to the States.

"Upon this subject of the public defenses I desire to glance at the past, and see what has been the action of men and of parties in former years, and especially when our treasury was full. Then there was a party, a very small party it is true, here, who sought to crowd our defensive works, and to sink our surplus of revenue, so far as it could be properly done, in them. I was a member of that party, and went with it. Propositions were made to this body on the subject of the fortifications, which called for appropriations so large as to be branded with the charge of extravagance; and I gave votes upon them which I presume may have subjected me to that charge before my constituents and the country. My reasons for my course were that our defenses were in a backward state, and required large expenditures; that the country had the money, and every interest, public and private, called for its expenditure, to prevent dangerous and hurtful accumulations in the banks; and that there was no time so favorable for the construction of fortifications and other works of defense as when the treasury was full, and the country prosperous and at peace with all the world.

"Still, this policy did not prevail, and why? Because this very policy of distribution interposed itself. It was not then termed distribution, but deposit; but we are now told by its then strongest advocates that they intended it as a distribution in fact, and only gave it the name and form of a deposit to secure its success. It did succeed; and while the appropriations of 1835–36 for our public defenses, military and naval, were rather under than over the general average in amounts, a law was passed which carried from the national treasury to those of the States more than $28,000,000, an amount more than sufficient to have entirely completed our whole system of land defenses, upon a plan more extensive than any one now thinks of adopting.

"This was not all. At the following session of Congress the usual fortification bill was entirely sunk and lost, because it was not permitted to carry through this body, as a rider upon it, a further provision for distribution to the States. Thus, and for such a reason, the entire appropriation for fortifications, for the session of 1836–37, wholly failed; and the present Secretary of War was the individual who, in the other branch of Congress, proposed the rider, and thus caused the destruction of the bill.

"Now, when our treasury is empty, when we are borrowing money and imposing taxes, and when the republican members contend for limited appropriations, this officer comes forward with his report, recommending a larger immediate appropriation for fortifications to be made, at this special session of Congress, than the average amount heretofore annually appropriated for that object, and, in addition to this, presses upon Congress the necessity of adopting without delay, and of vigorously prosecuting, a system of land defenses alone, which he says will require an expenditure of more than $12,000,000.

"Hence, I presume, those who shall now advocate moderate appropriations in this branch of expenditure, to keep down our debt and lighten taxation, are to be set down as parsimonious or indifferent to the defense of the country, and I doubt not I shall be one of those who will be subjected to such charges. My course, however, has been and shall continue to be plain and easily explained. When the money was in the treasury, I preferred appropriating it to the defenses, to giving it away to the States,

and so voted. Not so with those who favored the former distribution. They withheld the money from the defenses to save it for distribution.

"How will it be between the parties now? We have again the same alternative presented to us. The bill proposes to give away to the States the proceeds of the sales of the public lands, and the amendment proposes to set apart, pledge and appropriate those moneys to the public defenses. I cannot hesitate in my choice, any more than I can doubt as to my constitutional duty. The moneys are the property of the Union. The treasury of the Union requires their use. It requires them to carry on the system of defenses necessary for the safety and protection of the Union; and we are forced to debate the question here whether Congress will make this disposition of them, or will give them away. It is admitted on all hands, if these proceeds be taken from the common treasury, an equal amount of money must be raised by loans or taxes and returned to that treasury to supply the deficiency in it which will thus be created, and yet the question is gravely entertained and discussed, whether it be the duty of Congress to give away the proceeds of the lands and lay the taxes, or to retain the money and prosecute vigorously and efficiently our systems of national defense. Upon such questions I cannot entertain doubts.

"Were this expensive system of defenses not now pressed upon us from the proper official quarters, there would be greater seeming propriety in the course which the friends of this distribution bill propose to pursue; and really, while I do not mean to make a remark which can have a personal bearing in any direction, can gentlemen hope that the country will entertain perfect confidence in the sincerity with which they press their proposed systems of defense, and their immediate and urgent necessity, if they reject an amendment of this character, and by the passage of the bill give away the only means which the treasury can spare to carry out their defensive policy? Will they not, by such action, lay the foundation for a possible suspicion that the public defenses are, with them, matter of talk, while the distribution of the public money which should be expended upon them is the real object to be reached?

"I propose, Mr. President, briefly to examine the interests of my own State in reference to the adoption or rejection of this amendment, though it has not been my habit to discuss very extensively here her interests, touching any subject of national legislation, as separated from the general interests of the whole Union. Nor do I think I shall subject myself to such a charge in this instance, as the more immediate local interests of the State of New York, and any portion of her citizens, in any work of national defense, does not separate that work from the great system of defenses for the whole nation, of which it is an integral part; nor does the work constructed to protect our commerce, or defend our territory, our property and our lives, cease to be national because it is located within her limits.

"Look, then, at the Atlantic frontier of New York. There we have the most important town upon the continent, the commercial emporium of the Union, as we are daily told, wholly and entirely defenseless. The protection of its commerce is not a matter of mere local concernment. It is the protection of a very large share of the commerce of the whole Union. Its perfect defense, therefore, is the defense of the property and interests of the Union, as well as of New York, and the necessity for a speedy completion of all the means for defending that important point is in proportion to the magnitude and extent of the interests placed in jeopardy while it remains so perfectly exposed.

"Look, then, at the Champlain frontier of New York. Here we have a navigable lake of some hundred and fifty miles in extent, some twenty or thirty miles of which is within the British territory, while the remainder is within our own; and the whole being navigable in common by the vessels of both countries, constitutes its whole coast, in effect, a frontier contiguous to a foreign power, which frontier is entirely defenseless. This lake being, for the most of its extent, the boundary between the States of New York and Vermont, both States are equally exposed by it, in case of a war with England, while its commerce is very important to both States, and the trading towns upon its border in each are numerous and important, and demand defense and protection. I need only recall to the minds of Senators the affair of Plattsburgh in 1814, and the ever memorable victory of

McDonough upon Lake Champlain, to satisfy them of the importance and the exposure of this portion of the frontier, susceptible of perfect defense, at a comparatively moderate expense, by works which will command the lake, at or near the boundary of the British territory. Such works the British already have upon their portion of the lake, and such works we should have.

"Pass from this lake west, along the forty-fifth degree of latitude, to the River St. Lawrence, near the Indian town of St. Regis, and New York has a land frontier, of some seventy miles in extent, wholly undefended. This portion of the frontier may, perhaps, be less susceptible of protection, from works of defense, than the water portions; but its condition should be examined, and whatever can wisely be done should certainly be done, in preference to giving away the money of the country without an examination into its exposed condition.

"From St. Regis to Lake Ontario the River St. Lawrence is the boundary between us and the British possessions, a distance of some 120 to 140 miles. For almost the entire distance the river is navigable and navigated by steam vessels, and for the whole of the upper half by any such, and any other vessels, which navigate the lake itself. The settlements upon each bank of the river are nearly continuous throughout this whole line, while the villages and trading towns upon each side are quite numerous, in some cases considerably large, in many instances within cannon shot of each other, and in almost all cases within cannon shot from the opposite shore. Such is a sketch of that portion of the New York frontier. The British have several military posts and defended positions along this river, and we have nothing.

"Next comes our frontier upon Lake Ontario, embracing an extent of lake coast of, I suppose, not less than 250, and perhaps nearer 300 miles. A reference to the naval force which we were compelled to place upon this lake, during the late war, will furnish ample evidence of the importance of the position. I believe our navy there, before the close of that war, embraced, in actual commission and service, a class of vessels superior in tonnage and armament to any we had upon the Atlantic ocean, while two additional ships were in a state of forwardness, intended to mount more than 100 guns each. Indeed, my present impression of the

facts is, that when that war terminated, our naval force upon this single lake was rapidly reaching an equality in weight of metal to our naval force upon the ocean. The hand of time has long since annihilated that lake fleet, and we have not now a floating force of a single gun upon Lake Ontario. Our public works upon the land are military barracks at Sackett's Harbor, not constructed for defenses, but for quarters for troops, and some recent and very limited expenditures, by way of repairs, to the old military works at Oswego and Fort Niagara. Still, some of the largest inland towns in the State are upon and within reach from this lake, and the whole country upon the American side is densely settled, and one of the most wealthy portions of the Union. If we had floating defenses upon this lake, we have no fortress, under the protection of which vessels of war, or armed steamers, could rest safe from the attacks of a hostile force of the same character.

"At the foot of Lake Ontario the British have a national work of the first class, intended to command the entrance to the lake from the St. Lawrence, and abundantly sufficient to protect any fleet of any description, naval or commercial, which they may require upon that water. I may be under a mistake, but my impression is that the home government have expended annually, at different periods, upon this single work alone, a sum as large as that we sometimes annually appropriate for the whole fortifications of our Union — the sum of one hundred or more thousand pounds sterling. Viewing the vast increase of population and wealth and trade on this frontier, since the close of the late war in 1815, it is impossible that the State of New York can be insensible or indifferent to its defenseless condition on our side, or to the superior vigilance of the rival power upon the other side of that inland sea, and its superior preparations for a state of hostility. I hope it may turn out that the Senate may feel these powerful considerations, and be induced from them to adopt this amendment.

"From Lake Ontario our boundary passes through the narrow river or strait of Niagara to Lake Erie, a distance of between twenty and thirty miles. Here again are considerable towns upon each side, within the reach of cannon from the opposite

shore. Fort Niagara, near the entrance to the Niagara river from Lake Ontario, is probably a suitable position for a defensive work at that point, but it is yet in a very inefficient state.

"A frontier upon Lake Erie of some seventy miles, from the head of the river or strait of Niagara to the Pennsylvania line, is also in New York; and here again is presented a trading town which, in point of population, wealth and commercial importance, stands in the first class. Buffalo is a town now with a population of 20,000 souls, and within the last few days an honorable Senator from Michigan [Mr. Woodbridge] gave to the Senate the number of arrivals and departures of steamboats and other commercial vessels at and from that port, for a single period of two weeks within the present season, showing an activity and amount of commerce almost incredible for an interior town. Indeed, this point is the key to the whole trade of Lake Erie and the whole vast chain of lakes above it, and must ever be a commercial town second in importance to very few in the Union not located upon the Atlantic and gulf coasts. Still, it is entirely undefended, as is the vast lake upon which it is situate; and, with all other large and flourishing towns upon that take, in New York, Pennsylvania, Ohio and Michigan, must be perfectly open, in case of hostilities, to any incursion of an enemy approaching from the water.

"Is it possible, then, that either New York or the Union can be insensible to our perfect exposure in this important quarter? Or that, while the name of the gallant and immortal Perry shall live in the memories of his countrymen, Lake Erie will be thrown open to the unresisted possession of the British power? And will that be done by the Congress of the United States that it may give away the money which should defend this consecrated lake? Can I, Mr. President, as one of the representatives of the State of New York upon this floor, consent to such a policy? Can I, when the exposure of that noble State is such as I have described it, and when its highest interests are thus intimately connected with the great and necessary works of national defense, military and naval, hesitate to choose between these propositions? Will her probable dividends under this distribution law compensate her for the risks she must run and the losses

she must sustain for the want of these defenses? It seems to me not, and hence I hope the amendment may pass.

"I do not propose to advert to the general subjects of irritation now open and unsettled between this country and Great Britain, and which may lead to national hostility. They have been fully and eloquently exhibited to us by the honorable Senator from Missouri [Mr. Linn] on my right; but there is one of those subjects so peculiarly connecting itself with the State of New York, at this moment, that I cannot fail to notice it. I refer to the case of McLeod, now waiting his trial before the courts of that State upon the charge of murder. That subject has, upon a former occasion, occupied the earnest and interested attention of the Senate, but as an important question in regard to the case had then been argued and remained undecided before the Supreme Court of the State, I could not feel that it would be delicate or proper in me to take part in that debate. The decision of that court is now before the public, and I take pleasure in saying, upon this occasion, that the result to which the court came was in perfect accordance with my opinions and my feelings. That State, in the whole proceedings in the case of McLeod, is simply asserting, in a judicial form and through a judicial course, the integrity of its territory, its own sovereignty, and the supremacy of its own laws within its own limits. It will, I doubt not, pursue the even tenor of its way until those important assertions are fully made and sustained by the full and fair and impartial trial of the accused before a jury of the country, and by the independent judgment of an unprejudiced and unterrified court. Yes, sir, and that State will take upon itself all the consequences of that course which this government shall leave to rest upon it, while it will not, at any time, be insensible to the delicate questions, of a national character, which may connect themselves with or grow out of its course.

"I do not, nor would I for any earthly consideration, intimate an opinion as to the guilt or innocence of McLeod. I hope in my heart he is not guilty of the crime with which he stands charged, and if he be not guilty, I believe he will meet a cheerful acquittal at the hands of his triers, and that every citizen of this whole country, whether living upon the frontier, or in the interior,

will rejoice to know that the crime of blood is not upon him. If, however, his guilt shall be clearly shown to the minds and convictions of an intelligent and impartial jury, they will surely pronounce it, and the sentence of the law will follow. Then, in my estimation, when the trial shall have been had, and the judgment of the law thereupon pronounced without appeal, the sovereignty of the State, the integrity of its territory and the supremacy of its laws will have been fully asserted, and the execution of the vengeance of that law, in case of conviction, is all that will remain. That will rest in the hands of the executive of the State, and be subject to his constitutional power to arrest that execution for any causes which may appear to him to call for his interposition.

"All who will reflect for a moment as to the present location of the political power of that State, must know that I venture any remark here without book and without authority, but I will not permit myself to doubt that the executive of that State, if this high and solemn responsibility shall be cast upon him, will approve himself a statesman and wise magistrate; that he will cheerfully open his mind to every fact and consideration, national or otherwise, which should influence his conduct; that he will prove, so far as a discharge of his high duties are concerned, to his own country and to the world, that his State has sought to preserve its own sovereignty, not to pursue vindictive passion; to sustain the supremacy of its own law, not to rush improperly or blindly upon the vengence of that law; to assert the integrity of its territory, not to pursue to the death an obscure individual, if wisdom and patriotism shall demand the exercise of his prerogative of mercy.

"Still the pendency of this exciting case cannot fail to increase the desire and the interests of the State of New York in the direct and prompt and efficient application to the public defenses of all the means which this government can spare for that branch of expenditure. Its termination may produce consequences not now foreseen or anticipated; and, in any event, so far as I can form an opinion, the permanent and lasting interests of that great commercial frontier and exposed State will be much more essentially promoted by the appropriation of the proceeds of the lands to the national defenses, than by their distribution to the States,

even if the small spots upon our horizon of peace were to be now removed.

"Mr. Wright observed that the question, stripped of all delusion, was whether money, raised by taxes for the economical administration of the general government, was to be distributed to the several States, or applied solely to the purposes for which it was authorized to be raised. That the gentlemen into whose hands the present administration of the general government had fallen, construed the question in the sense favorable to their system of distribution, was evident from the fact that they had passed, by the power of their majorities in Congress, an act to raise money to a large amount by borrowing and creating a national debt, and were going to pass another act by the same means to raise money by additional taxation on articles of general consumption, for the mere purpose of distributing a portion of the public revenue. They are so impatient to borrow money and raise taxes, that they may distribute largely, that they cannot even wait to refund the treasury what has been advanced to acquire the public lands. If the amendment now offered is adopted, they say the whole principle of their bill is destroyed. They want the principle to remain untouched, that they can borrow money and raise revenue by increased taxation for the purpose of purchasing lands and distributing them, and so go on, taxing and borrowing to distribute, and distributing to create a necessity for further taxation and borrowing.

"The States have to be bribed to wink at taking money out of the treasury, that the people may be taxed to put it back again into the treasury, and then the States bribed over again that the people may be taxed over again. And so it is to go on. The bill has been cunningly devised for this operation. It goes on to state that the proceeds of the public lands shall be distributed, and then it provides, nevertheless, that certain deductions are to be first made. And what are these deductions? Why, merely the expense of bringing them into market. The cost of the raw material is left out; the mere expense of survey and clerk hire is refunded, and then the balance is distributed. In other words, the money to purchase the lands or extinguish the Indian title is to be taken out of the treasury, from the taxes levied on the

country, through its consumption, and then the lands or the money received for them is to be given to the States, as if they had not cost a dollar. The chairman of the committee, indeed, thinks there may be a balance due from the treasury to the public lands. He forgets, when he says this, that he stated quite the reverse in his opening speech. At first this distribution was to last but five years; now it is to be perpetual, unless the bill was repealed.

"The Senator from Indiana [Mr. Smith] made a grand display of the resources offered by this immense fund, the public domain, assuming that there were yet two thousand millions of acres to be disposed of. Well, perhaps he was right; but the Senator forgot to state the whole truth, namely, that only about two hundred millions of acres had yet been paid for, and that money has to be borrowed, and taxes have to be raised, to pay for *eighteen hundred millions of acres* more, before their proceeds can be distributed. But the principle is established in this bill, and who can tell the extent of borrowing and taxation which is to be resorted to to carry out the whole design?

"Mr. Wright said: Mr. President, if I could look upon this measure in a less serious aspect than that in which it has presented itself to me, in every stage of its progress, from its first introduction into Congress, many years since, to the present moment, I should not attempt to detain the Senate now, at this late hour of the day, at this protracted stage of the debate, and under the impatient feeling before me, with a single remark. As it is, and viewing the bill as one of the most important which has ever met the final action of this body, while I must ask a few moments of the time of the Senate, I will promise not to trespass beyond the bounds of a reasonable patience.

"I must, therefore, defend myself at the commencement by saying that I do not propose to touch a single ground, constitutional or otherwise, upon which this measure has been originally attempted to be sustained. I consider all those grounds already taken from under it. Not a single vestige of the original distribution principle, as advocated here, whether as applicable to the land revenue, or to a general surplus of revenue, remains to those who now press this policy. Yet it is pressed, and various great

and leading positions, most intimately connected with it, are fully admitted upon all sides of the House, and of the argument. These it will be necessary for me to recall to the recollection of the Senate, before I proceed to the particular provisions of the bill, which it is my main object to notice, though it will compel me to a repetition of what has again and again been said, in the course of the tedious action of the Senate upon this deeply interesting measure.

"First, then, it is admitted that there is now no surplus revenue to distribute. That time has gone by, and now an empty treasury stares us in the face. To shut its doors, we have already, during the present session, authorized a loan, upon the credit of the people, of $12,000,000, and yet we are told, almost daily, by the honorable chairman of the Committee on Finance of this body [Mr. Clay, of Kentucky], that a further loan is expected to be required before this year shall leave us; that before the month of December shall have passed away, the wants of the treasury alone will compel us to resort again to the public credit for means to defray the expenses of the government. There is certainly, then, no surplus for distribution to the States.

"Another admission, equally material, is that every dollar taken from the public treasury by this bill must be supplied, dollar for dollar, by new taxation, or further loans, to enable that treasury to meet the calls upon it for the ordinary expenses of the government. This admission is proved by the fact that the bill to impose the taxes is now before us, and treading upon our heels, while we are voting this gratuity to the States. The advocates of that bill press it upon us, and declare that it is intended to supply to the treasury the money which this measure takes from it. I am authorized, therefore, to make the declaration that the revenue, or tax bill, is arranged to meet this gratuity to the States, and that such is its design and object.

"A still further admission is made, as proved by the recorded votes of the Senate, in the course of its action upon this bill. This admission is that, in case of need, the money to make this distribution is to be borrowed upon the credit of the people of the United States, and an addition to the existing public debt to be made to accomplish this object, equal to the amount of the

sum to be distributed. I refer to the repeated propositions offered to amend the bill so as to declare that the distribution should not be made, when a resort to loans and an increase of the public debt should be the necessary consequence, and to the recorded votes of the Senators, by which every such amendment has been rejected, as the highest proof of this admission.

"These are but repetitions of remarks which have been repeatedly made in the course of the debate, but I prefer to put them in the distinct form here given. I have to add that most of the further points which I had proposed to myself to discuss have been better presented by those who have preceded me, and that I am thus relieved from a tedious argument.

"I had intended to have examined the financial policy of levying taxes to raise money for distribution, and to have shown that the least loss to the community must be the expense of collecting the tax, say from five to ten per cent upon the money thus accumulated; but this point has been fully examined by the honorable Senator from South Carolina [Mr. Calhoun] on yesterday, and again, to-day, by the honorable Senator from New Hampshire [Mr. Woodbury], and I can add nothing to the views they have presented.

"There is a further aspect of the case in the same connection, however, which I believe they did not present, and which shows a further consequent loss to the people generally, to follow from this mistaken policy, as certain and perhaps much more extensive, though not as general, as that of the cost of collection of the tax; I refer to the influence of the protective duties which this distribution bill may make it necessary that we should impose or continue. The statement of the proposition will be the proof of its soundness. If we raise a revenue by a duty upon an article of import which comes in competition with an article of domestic manufacture, the necessary consequence is, that the price of the domestic article in the market is raised to the price of the imported article, while the price of the latter must be regulated by the duty imposed upon it, that duty being a part of the cost in our market. This increase of the price of the domestic article to its consumer, in consequence of the duty upon the foreign competing imported article, is an entire loss to the community,

as the excess of price goes into the pocket of the domestic manufacturer, and not into the public treasury; and therefore, while it is taken from the pockets of the people, does not contribute to the distribution fund, or in any way aid the policy which causes it. To this extent, then, this bill must tax the country without any benefit to its own policy, and for the mere advantage of the manufacturing interests. Is this one of the objects of its friends, and one of the elements of its support?

"In the same connection is another tendency of this measure. The distribution is to the States in their corporate capacities, and the avowed object and great purpose is to aid and assist and strengthen the sinking credit of the debtor States; to give them something to meet the claims for interest now making against them upon existing loans, something toward the payment of their debts already contracted. This is proposed to be done by the indirect application of the powers of this government to impose taxes, in the shape of duties upon imports. The honorable Senator from Virginia [Mr. Archer], in his argument, has discussed the relative tendencies of the two modes of taxation — the direct and indirect — and has told us with great confidence that the indirect is far the cheapest of the two. It is far the most insidious, far the least palpable in its exactions and oppressions, far the least likely to incur the censure and condemnation of a vigilant and jealous people; but that it is even the cheapest is yet to be shown to my satisfaction. That it is the most dangerous, the most unequal and the most unjust, and most especially when applied to the existing State debts, is easily demonstrable.

"Upon what are those debts a charge now? Upon the taxable property of the State which has contracted and owes them. If the State be left to pay them, the taxes to meet the payments must be levied upon that property, and it will be made to pay the debts in just proportions. Then the man worth $100,000 will pay one hundred times as much as the man worth but $1,000. This will be a just measure of payment, especially so for the existing State debts. These debts have been contracted, almost without a solitary exception, to construct works of internal improvement, roads, canals and railroads, within the indebted

States. The greatest benefit sought and expected from these works is the increased value they give to the property, and especially to the soil, of the State. That property, therefore, and especially that soil, with its enhanced value, are the peculiarly appropriate objects for taxation to pay the expenses of these works, and the debts contracted for their construction. In this way, and in this way only, can the proper connection between the burdens and benefits of the internal improvement policy be preserved.

"What classes of the citizens of a State are peculiarly and permanently benefited by these works? Is it not the property holders, and most especially the owners of real estate? And should not they be made to pay at least their proportion of the tax according to the increased value of their property, when taxes must be levied to pay for and support the works? Of what benefit are the canals and railroads of a State to its day laborers who are without property? They may be calculated to cheapen to such a man, to a very limited extent, the necessaries of life; but the probabilities are that the wages of his labor will be made to conform to any influence of that sort, so as to leave him exactly where he would have been without such improvements. Should he, then, be made to pay equally with the man of wealth, the extensive planter and landholder, toward the taxes which the construction of these works has rendered necessary? Let him pay according to his substance, his taxable property, — and should he pay more? Will equality and justice take more from him? Most certainly not.

"And yet the policy of this bill is to take more, much more, from him; to tax him equally with the man of wealth and the extensive owner of real estate. Its effect is to relieve the property of the State from the tax, and impose it, *per capita*, upon the citizens. Instead of levying it upon the land and goods of the citizens at their fairly assessed values, it is to be entirely levied upon the necessaries of life, which the poor must consume equally with the rich; upon the tea and coffee and sugar and salt which are upon the tables of all, and which, in this country and under our institutions, should be permitted to remain upon the tables of all. What equality, what justice, is there in such

a measure of taxation for such an object,—in thus levying taxes to pay for canals and railroads, which are to enhance to the man of wealth the value of his possessions, while they wholly supersede the employment of many classes of laborers? Under this mode of collecting the taxes to pay for these works, the man worth his $100,000 may, nay, in thousands of instances will, be made to pay a less sum than the man worth $1,000, ay, than the man not worth one cent of property in the world, and whose hands are his only fortune. The poor have wives and children and families as well as the rich, and those wives and children and families must be clothed and fed. They must have tea and coffee and sugar and salt, and they should have them, for the time has gone by, in this country, when these articles are to be talked about as luxuries. They are among our necessaries of most universal consumption, and must and should remain so; and yet they are to be selected as the objects for taxation to raise money to pay the debts of the States, contracted to construct works of internal improvement designed and calculated only to benefit those who hold property. The taxing power of this government is to be diverted from its legitimate exercise to raise federal revenue, and is to be wielded for the sole and exclusive use and benefit of the States, and that, too, in a way to work this flagrant inequality and injustice and cruelty; and all this is to be done to shield the members of the State Legislatures from the unpopularity of exercising the equitable taxing power of their respective States, and to protect the property holders of the States from the payment of their just proportion of the taxes required to liberate their State governments from the embarrassments in which the fostering of their interests has involved them.

"I am aware, Mr. President, that this bill is to pass this body, and that it is to become, in some form, the law of the land. It is too late to reason against the combination of interests, pecuniary and political, which are bearing forward this monstrous policy; but can a wise and just people give to it their sanction? Will they consent to grind the poor into the dust by taxation, or deprive them of every comfort, that the rich may escape a just burden? I hope and trust not.

"My principal object in rising was to call the attention of the Senate, of the House, of the President, and of the country, to two of the provisions of this bill which have not been commented upon in a manner to satisfy my mind, and which, if there be any sort of relationship between this measure and the Constitution, it appears to me must stamp it with palpable and flagrant unconstitutionality.

"I refer, first, to the rule of distribution. The bill came here from the House of Representatives with a correct constitutional rule, if, indeed, there can be any constitutional rule for giving money from the federal treasury to the States, which I not only do not admit, but positively deny. Yet, admitting for the sake of the argument, and I do even that unwillingly, that a distribution can be constitutionally made, is there, can there be a doubt that the rule of distribution must be that of taxation to be constitutional? Do not let Senators forget that the money distributed to the State governments under this bill is immediately to be collected from the people of the States by taxation; and will it be contended that each State should not receive what its own people pay, subtracting the expenses of collecting the tax? Such was the provision of the bill when it came here. The distribution was to be made upon the federal representative population, which is the constitutional basis for representation and taxation. The Senate has thought it wise to alter this rule and direct the distribution to be made, not upon the basis of population and taxation, but upon the federal representation in the two Houses of Congress combined; thus drawing in this body, where all the States are represented equally without regard to population, and making it one of the data upon which the right of each State to its distributive share is to be ascertained.

"The gross inequality and injustice of this rule of distribution will be made perfectly manifest by a few comparisons: $3,000,000 is the sum which it is supposed the lands will annually yield, and the sum which is expected to be annually distributed; and $3,000,000, therefore, is the sum to be annually raised by new taxes, to supply in the treasury that deficiency which this bill is to create. Take the States of New York and Delaware for the comparison. The constitutional rule for levying the taxes is

that of federal representative population. By this rule, when the $3,000,000 is to be collected in taxes, New York must pay forty dollars where Delaware pays one dollar. When the $3,000,000 is to be distributed to the States under this bill, for every forty-two dollars which are paid to New York, three dollars are to be paid to Delaware. Delaware, then, as compared with New York, contributes to the fund as one to forty, under the rule of the Constitution, and receives from the fund as three to forty-two, under the rule fixed by the bill. Can this be constitutional? If Congress can constitutionally make the distribution at all, must it not be made by the same rule by which the Constitution compels it to collect the money? Will gentlemen contend that Congress can constitutionally compel New York to pay taxes, to accumulate a fund to be given to the State of Delaware? This bill will do so. There is no escape from the consequence.

"And another and more alarming consequence must also follow. If Congress can depart at all from the constitutional rule of taxation in making a distribution of this fund, it can depart to any extent; it cannot vary the rule of taxation, but, when the money is collected, it can give to each State an equal sum; it can give the whole to one-half of the States, and to the others nothing; or it can give the whole to a single State. If the rule of distribution is not governed by the Constitution, but the mere discretion of Congress, there is no limitation upon the inequality and injustice which may be practiced. Under this bill as it is, Delaware, compared with Pennsylvania, contributes to the fund to be distributed as one to twenty-eight, and receives from it in the distribution as one to ten; and if this be constitutional, so would be a law which should compel Pennsylvania and Delaware to raise a fund by taxation in the proportions of twenty-eight to one, and, when raised, to divide it equally between them. Will any man stand up and say that the Constitution of the United States sanctions such injustice?

"Another provision of the bill is open to the same objections, if possible, more strongly and palpably exhibited. I refer to the provision which gives to the new States ten per cent from the entire fund, before the general distribution to all the States is

entered upon. This provision exemplifies practically the soundness of one of the positions above taken. It is, in effect, to raise a fund by taxation, according to the constitutional rule, from all the States, and give the whole money to a part of them. Suppose, again, the whole fund for annual distribution to be $3,000,000; then, by the provision under consideration, $300,000 of the amount, just one-tenth of the whole, are first to be taken out and paid to certain States named, in unequal and arbitrary proportions, not according to their population, or representation, or taxation, but dependent upon the location of the lands which shall happen to have been sold for the given year. Hence it may well happen that some of these favored States, for some years, may not receive as much from this ten per cent fund as the same State will be compelled to contribute, in taxes, to make good to the treasury its subtraction from it. Whether this may be so or not, however, the $300,000 is a fund to be annually raised in taxes from all the States, according to the constitutional rule of taxation, for the sole and exclusive use of a small number of designated States. Of this fund of $300,000, New York must pay forty parts out of 242 parts, almost one-sixth of the whole amount, and must receive back nothing. She must pay almost $50,000 annually to this fund, from which she is to receive not one cent. Can the Constitution authorize such exactions for such uses? Can we compel all the States to pay taxes for the separate and exclusive local use of a single State, or a small number of the States? It cannot be. Such powers are not given to this general Legislature by that instrument.

"I have heard but one reason attempted to be assigned for this invidious grant to a few States, and that one is, that the new States are so rapidly increasing in population, in comparison with the old, that if the distribution were by a uniform rule upon each census, before the expiration of each period of ten years, from one census to another, their population would far exceed the distributive share they would receive by the old census, and hence that this ten per cent per annum extraordinary upon the whole fund should be given to them. Does this argument avoid at all the constitutional difficulty? Is the constitutional rule of taxation changed as to them, in consequence of their change of popu-

lation? Certainly not. If Congress were to apportion the three millions in a tax, the proportion for each State would be ascertained by the then last census; and although a particular State should, in point of fact, have doubled its population after the taking of that census, yet Congress could not constitutionally increase its quota of tax beyond what the census would impose. Take the other side of the question. Suppose one of the old States should have lost a large share of its population at the time of the imposition of the tax, could Congress consider it, and lighten its burden? Surely not. Its quota of tax would be ascertained by the then last census, and no regard whatever could be constitutionally paid to any change of population subsequent to the census. The Constitution has not only graduated representation and taxation upon population, but it has fixed the periods when that population shall be ascertained, and knows no change between those periods. If, then, this be the rule for the burdens, so also should it be for benefits; and it would be as constitutional to say that the representation of the new States ought to be apportioned more frequently than once in ten years, on account of their rapidly increasing population, while their liability to taxation should remain stationary, as to contend that their distributive shares under this bill should be increased beyond the ratio for the other States, while their liability for the taxes which supply the fund to be distributed is not changed. This reason, therefore, does not help out the case from the objection of principle, and it is upon the ground of principle alone that I have intended to discuss these two objectionable provisions.

"I wish to be distinctly understood here. I do not envy the new States anything they are to receive under this bill. I do not think they get too much for the sacrifice they will be compelled to make, for I believe in my heart it will be one of the most blighting measures to them which was ever presented to Congress, or which the wit of man could devise against their quiet and prosperity.

"There is another principle violated by these provisions of this bill, to which I must give a moment's attention. This whole policy of distributing to the States the proceeds of the sales of the public lands, was originally rested upon the deeds of cession

from certain States to the United States of their unlocated domain. The States, it was said, had made these cessions for a particular purpose, the payment of the debt of the Revolution; and, that debt being paid, that the States themselves, and not the federal government, should enjoy the surplus proceeds. All these assumptions have been, over and over again, shown to be unfounded in fact, and wholly insufficient to sustain this measure if they were well founded, inasmuch as but a mere fraction of the lands which remain unsold are within the ceded territory; but for the purposes of this argument I will suppose that these positions are well assumed, and the States have a right to the proceeds of the lands ceded, and which remain unsold, by virtue of those deeds. And what are the respective rights of the States, as expressly defined upon the face of the deeds? They are to interests in the lands, and consequently in the proceeds of their sales, '*according to their several and respective proportions in the general charge and expenditure.*' I quote from memory, but I believe I quote the terms, certainly I do the substance of the deeds. What were and are 'the several and respective proportions in the general *charge* and *expenditure*' of the States of the Confederacy and States of the Union? The liability to taxation was the rule under the Articles of Confederation, and is the rule under the Constitution.

"How, then, do the provisions of the bill to which I have referred square with the deeds of cession? It was said at our last session, by a distinguished lawyer whose seat was before me [Mr. Crittenden, of Kentucky], that he could, if the United States were suable, by a bill in chancery, recover these ceded lands, or the proceeds of them, in favor of the States, against this government. In what 'proportions' would his recovery have been made? 'According to their several and respective proportions in the general charge and expenditure.' Is there any ten per cent to the new States, or any commixture of the Senate, in this distribution? No. It is a distribution to the States of a strictly equal and equitable character, 'according to their several and respective proportions in the general *charge* and *expenditure.*' Why, then, are the deeds of cession, as well as the Constitution, violated in the provisions of this bill? In neither

can there be found any cover for the ten per cent to the new States, or for the introduction of this branch of Congress as a part of the data upon which this distribution is to be made. The several and respective proportions of the States in the general charge and expenditure have no reference to this body, and the ten per cent to the new States is a modern invention. I ask, again, why are these provisions introduced? Is there but one answer,—to pass the bill? Without gratuities to the new States, in some form, the measure could not stir an inch in this body; and without advantages to the small States over the large ones its fate here, where all the States are equal, might be at least doubtful. Is this an ungenerous answer to the inquiry, after what we have seen in the course of our action upon the bill? To me it is the only known answer to the inquiry I make.

"I repeat, therefore, that I desire to call the attention of the Senate, of the House of Representatives, of the President and of the country to these unequal, unjust and unconstitutional provisions, and then I shall have discharged my duty in these particulars.

"I desire, Mr. President, to offer a few words upon what seems to me to be the unavoidable tendency of the policy upon which this bill rests, and I will relieve the Senate. We are daily told of our exposed and defenseless condition as a nation, of the delicacy of our relations with the most powerful nation in the world, and of the necessity of a speedy and efficient preparation on our part for hostile relations and self-defense. The plans for defending the country are laid before us, and we see and know that they involve an expense of a vast amount and far beyond any immediate means at our command. We daily magnify the necessity of the expenditures by our speeches here, and proclaim our perfect and complete exposure to the whole world; and still, instead of applying ourselves to the work of national defense or the means in our power to those objects, we are protracting to an unreasonable extent this most extraordinary session of Congress in a scramble for a distribution to the States of the most certain source of revenue of an already exhausted treasury. We are, day by day, patching an already overloaded bill to give it

strength enough to pass this body and thus accomplish this unhallowed object.

"Our last modification is most significant. It has brought all-sufficient strength to the bill, and with what prospect for our country? What is it? That the general revenue shall not be raised beyond a certain point for any object; without terminating this, our favorite distribution system. Who that favors this suicidal policy can hereafter vote for appropriations for defenses? Such a vote may make this favorite measure a dead letter upon the statute book. Who that favors this policy can hereafter say to our gallant navy, be increased and strengthened? Who that makes this measure his own can, in any time to come, give his aid to defend our coast and protect our frontier? It cannot be done, sir, unless this bill be made inoperative, or this restriction upon it removed. It cannot be done, unless this policy be abandoned, for the spirit which takes $3,000,000 a year for distribution from a treasury not now sufficiently supplied to meet the ordinary demands of the country, will take for the same purpose whatever may be in that treasury, which the most modified and restricted system of expenditure can spare; and the idea of permanent and enlarged works of defense will be as preposterous to such a vision, as would the leaving of the money in the pockets of the people, instead of drawing it forth by an exertion of our taxing power, to constitute a fund for distribution.

"I have said that we constantly talk here of the exposed condition of the country, and of the pressing necessity of defenses. Every day proves the truth of the remark; and how will the sagacious statesmen of that giant power, from which alone we have anything to fear, laugh at our patriotism and our sagacity, when they read our valorous speeches, and see us binding our young and vigorous country hand and foot, and throwing it at their feet, while we are angrily intent upon the division among us of the stinted remains of our impoverished treasury! How eminently will such an exhibition be calculated to avert the hostilities we fear, and command the respect we wish!

"Let the cloud of national difficulties thicken and blacken, until the bosom of every man in the nation shall feel that our honor and our safety demand resistance to aggressions, and

where is the Congress to be found which will declare war, when the State Legislatures are crying out to us, save our distributive shares of the national revenue? Where is the Senate to come from which will withstand such a claim, coming from such a quarter, and addressed to those who hold their places by legislative election? It cannot, it will not be; and neither such a Senate nor such a Congress will be found, until this unnatural policy is entirely abandoned."

The friends of distribution achieved a victory at this session. On the 4th of September, 1841, they secured an act to pay to Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas and Michigan ten per centum on the sales of public lands within them, and for the division of the remainder, after paying certain expenses, among the twenty-six States, the District of Columbia and the territories of Wisconsin, Iowa and Florida, according to their respective federal representative population, "to be applied by the Legislatures of the said States to such purposes as the said Legislatures may direct."

CHAPTER XCIX.

REVENUE BILL, DUTIES AND DRAWBACKS.

The condition of the treasury, as presented by the Secretary of the Treasury, required Congress to provide some means to replenish it. The House, where alone such bills can originate, passed a bill for this purpose. It underwent a long and able discussion in the Senate, where it was amended, and then passed by a vote of 33 ayes and 11 nays, Mr. WRIGHT voting in the negative. The bill, after being so amended that no duties, after the 30th of June, 1842, on non-enumerated articles, exceeding twenty per cent, should be collected, passed both Houses, and was signed by the President on the 11th day of September, 1841.

"The amendments to the revenue bill having been engrossed, it was returned to the Senate, and on the question shall this bill pass? Mr. WRIGHT thus addressed the Senate on the seventh of September:

"Mr. President, am I in order? Has the chair so stated the question as to authorize me to speak? I then feel bound to say that I am glad to meet this bill here, in this shape, and on this hour of this day. We are now considerably advanced in the fourth month of an extraordinary session of Congress, and no man upon this floor is more anxious to bring the session to a close than I am. I am tired and worn out, and wish to see the day when we may be permitted to return to our homes. I will not, therefore, spend the time of the Senate, or give occasion for debate, farther than I am compelled to do so. I cannot vote for this bill, although it purports to be a bill to raise supplies for the support of the government. I must ask the Senate to favor me with the ayes and noes upon the vote, and must vote against it. Hence the compulsion I am under to

assign the reasons for that vote, and in doing so I have limited myself to a few moments.

"What is the condition of the body, and how are we assembled here? Under an extraordinary call of the President of the United States, since deceased, and worn out by our almost constant sessions. Why were we called in this most extraordinary manner and time? As we understood, to raise means to carry on the government of the United States, under the new administration, until a regular session of Congress should intervene.

"What has been the history of this called session? The first important measure which met the approbation of this body, and became a law, was a bill to loan, by the creation of a funded debt, $12,000,000 to supply the treasury and carry on the government. That bill passed, against my vote, it is true, but it did pass and is now the law of the land.

"What was the next important measure? A bill to incorporate a national bank. This occupied a large portion of the first three months of the session, but as it had no immediate connection with the supply of means to the treasury, it was impertinent to the bill now under consideration, and I will not consume time by a remark about it.

"Then came the third great measure in the series; and what was that? A bill to give away one great and permanent source of our revenue to the States of the Union; to distribute to them the proceeds of the sales of the public lands, regardless of the condition of the treasury. It seems to be conceded on all hands that that measure will take an average of $3,000,000 from the treasury in every year after the present. There has been some question about the precise amount. Some have conjectured it would be less than $3,000,000 per annum, and others have thought it would be much more; but the average of all the calculations, as well as of the experience of the past, will show it to be equal to at least that sum. That bill has become a law, and is to be carried into effect, if the means of the treasury will permit.

"Now comes the fourth great measure, in the shape of the bill before us, a bill to impose taxes upon the people; for what? To raise revenue to carry on this government and meet its

expenses? No, sir; but to place in the treasury money to meet the distribution to the States, when that $3,000,000 shall be called for.

"And under what circumstances is this extraordinary call to impose taxes made? When our national finances, without regard to the proposed distribution, are in a healthful state? No, sir, no. The honorable chairman of the Committee on Finance tells us, and he is the authoritative organ of the government in this matter for this body, that we shall have a deficit of fair revenue, at the close of the present year, of $16,000,000. This must be irrespective of the distribution, because that is not to commence until the next year; and yet that same honorable gentleman, upon a former occasion, distinctly declared in his place that the duties under this bill were to be arranged with express reference to the proposed distribution.

"When the loan bill was here, we charged that the money was to be borrowed for the purpose of distribution to the States, and therefore we were bound to oppose it. The answer was a distinct denial of our charge, and the declaration I have repeated, that when the duty bill should come up, provision was to be made, by the arrangement of the duties, to meet the deficiency in the treasury to be caused by the withdrawal of the land revenue for the use of the separate States of the Union. Now we have the duty bill, and the question is, shall it pass? Can I, after this history of our doings, and this declaration of the object for which the taxes are to be imposed, say aye, and not directly favor the distribution bill? No, sir, I cannot, and therefore I cannot vote for the bill, and only desire the opportunity to record my vote against it. I can never vote taxes to raise money for such a purpose; and while the majority shall choose to pursue such a policy, and so to combine their measures of legislation to reach it, I can never vote supplies at all.

"No member of the body is more ready than I will be found to be to vote all proper supplies for the necessary expenses of this government; but when money is to be raised by increased taxation for objects not connected with the operations of this government, I cannot give my vote for the law which is to impose the taxes, whatever other worthy objects may be incor-

porated in the same bill. I will not, Mr. President, detain the Senate to add a word more upon this important measure. [Mr. Clay, of Kentucky, replied to Mr. Wright at length, and, in the course of his remarks, said the honorable Senator had not observed his usual accuracy in enumerating either the order of the important business of the Senate, at the present session, or the measures which had been acted upon. The sub-treasury law, the idol measure of the Senator, had been repealed, and the bankrupt bill had passed, — a measure which the constituents of the Senator, more than those of any Senator from any other State in the Union, desired and demanded, and yet for that he had not voted. He closed by saying, let the Senator go home and meet, if he can, those constituents, after having voted against that great measure, and now against granting supplies to carry on the government.] Mr. Wright rejoined, that in making the enumeration of measures which he had made in his former remarks, his intention had been to confine himself to those which affected the state of the treasury; but as he had so far deviated from his own rule as to have mentioned the bank, the correction of the Senator was appropriate and deserved. In relation to his vote upon the final passage of the bankrupt bill, he had not felt, and did not now feel, that assurance which he always desired, that he had acted in conformity with the feelings and wishes of his respected constituents; but in reference to that great measure, after an abundant opportunity for examination and reflection, he had taken that course, and given that vote, which he deliberately believed his duty and their true interests required him to give. To them he was responsible for the act, and to their decision, upon his course, he would most cheerfully submit himself.

"As to the honorable Senator's commentary upon the vote he was about to give against this tax bill, he had but a single remark to make. The Senator had told him to go home and meet those constituents, if he could. That he was most anxious to do; and to be permitted that inestimable privilege, at an early day, he had consented to meet this great and grave question at this late hour, and in this summary manner. He had, upon repeated occasions, met the rebukes of those intelligent and

patriotic constituents, and never, he was bound to presume, when he did not richly deserve them; and he had sometimes enjoyed their approbation. He was anxious to meet them now, and would cheerfully abide their verdict upon this vote. What was the question presented to him, and upon which he must vote? It was whether he should assume to exercise the taxing powers of this government to take money from their pockets to pay the debts of their State. This was the true question, in the simplest form in which it could be stated. These constituents had conferred upon him no such power. They had sent him here for no such purpose. Their own Legislature, chosen directly by themselves, possessed that power, and should exercise it, if it was to be exercised; and never should he attempt its exercise here, under any form, or in any connection, until his constituents had conferred upon him power which he did not now hold by their delegation, and had no right to exert for or against them. And yet he was happy to say to the honorable Senator, that he could and should meet them, and was impatient to do so; and that they knew that, in obedience to their will, constitutionally expressed, upon this or any other question, and whenever they should choose so to express their will, he would not simply meet them, but, promptly and cheerfully, permanently return to them."

Note.—A bankruptcy act passed at this session. Mr. Wright did not participate in its discussion, but voted for laying the bill on the table after it had passed the House. The vote stood 23 ayes and 26 noes. Under this act merchants, bankers, factors, brokers, underwriters and marine insurers alone could be proceeded against by one or more creditors. In all other cases, creditors were without remedy under the act, making a distinction not satisfactory to Mr. Wright.

Mr. Wright to Mrs. Edmund Burke.

"Mr. Wright presents his compliments to Mrs. Burke, and thanks her for having made herself the unsuspecting cause of his being called upon to give her some manifestation of the continued and kind remembrances of Mrs. Wright and himself.

"A late letter from Mrs. Wright informs him that Mrs. B. has favored her with a newspaper giving her the gratifying information of the nomination of their esteemed friend, Mr. Hubbard, to

the first office in his State, and she directs Mr. W. to make to Mrs. B. some return for this token of friendly memory.

"He avails himself of the execution of this order to indulge his vanity and send Mrs. B. a printed copy of a speech; not that he designs to inflict the reading upon her, or anybody, but she may hand it to any good loco-foco who may wish to hear more of the sub-treasury.

"Mrs. Wright is very well, but complains sadly of loneliness, and in that, too, Mr. W. fears she may be sometimes sympathized with by her friend Mrs. B. Mr. W. has at this moment seen his friend Mr. Burke, to obtain the address of Mrs. B., and he is very well.

"Washington, 8*th July*, 1841."

CHAPTER C.

DISPOSITION OF MONEYS NOT CLAIMED UNDER THE LAND DISTRIBUTION ACT OF 1841.

Under the general distribution act of 1836, certain States declined to receive the portions set apart for them. Under the land distribution bill, passed in 1841, it was anticipated that such a result might again occur. Mr. Clay, of Kentucky, being under this impression, introduced this resolution:

"*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of providing by law that, whenever any State or States shall refuse their proportion of the proceeds of the public lands, such proportion shall be distributed among the residue of the assenting States,"

which came up for consideration in the Senate on the 7th of February, 1842, and was elaborately discussed. Mr. Wright participated in the debate. Mr. Mangum proposed to amend the resolution by adding "or in what manner such proportion shall be disposed of, or if anything shall be done in relation to it."

"Mr. Wright requested the resolution, as proposed to be amended, might be read. [The resolution, with the amendment, was read.]

"Mr. Wright had but very few words to say, for he did not wish to partake in the debate to any extent. But it appeared to him, according to the views of the Senator from Georgia, the question presented to the Senate was, that an inquiry should be instituted as to what disposition should be made of the money not taken by the States to which it was appropriated. Many of the States would accept their portions. At present, two have declined to accept theirs. But suppose two more, or five more States, after the respective shares are apportioned, should neglect

to call for their portions, would any one contend that it would be proper to institute an inquiry why their shares were not called for? And that, too, with a view of punishing them for not calling on the treasury, by taking their shares and distributing them among the States that had made the first rush on the treasury for payment? And yet it would be just as proper as to take the shares left by refusing States for the use of the general government, and to make any application of them contrary to the desire of the refusing States.

"But it seemed, strangely enough, to be assumed that the shares of the refusing States would lie apart, and useless in the treasury, and therefore it was necessary for some one or other to take them. Who ever heard of the money from customs, and from miscellaneous sources, or from bond debts due to the government, being kept apart in the treasury, each kind to be applied specifically, and not otherwise? No more is this fund from public lands kept apart. All the money received goes into one general fund, and is ready to meet the first demands on the treasury, no matter under what specification. The assumption, then, that the money refused would be useless or idle, is unfounded. No such thing could happen, and if it could, it was very unlikely to happen in the present condition of the treasury. And if the funds thus left were applied to the uses of the government, who could doubt that the application was just the disposition which those States intended should be made of their shares? This was a conclusive proof that no inquiry was necessary about the matter. Sovereign States, he took it for granted, had a right to say, 'We will not take the shares appropriated to us.' Does injury fall on any one, if the other States, who have nothing to say to it, let the money alone? The government gets along better with it than without it; for, if there are demands on the treasury, it will be so much better able to meet them. It seemed to him that the technical part of this question is unnecessarily dwelt upon. The mere question of courtesy must be disposed of in the minds of all who have considered it at all. Who would think they had violated courtesy in refusing to institute an inquiry whether the pensioners of the government, to whom Congress had voted money last session, had refused to call for it? What

is the use of such inquiry? He was aware the resolution had been modified. But he would ask what right the inquiry could give? As it could give none, why should it be made at all? If the money, without it, goes to the use of the general government just as the owners of it desire, it wants neither resolution nor inquiry; it will go to that use, and the only proper use it can go to, without either one or the other. But if the question is whether a committee shall sit down and deliberate upon what is to be done with the money refused by the States, it is very evident what the answer will be, the whole ground being left open; so that the modification effects nothing. The question really is, whether Congress shall cut up and divide the portion of a refusing State among the States humbly obeying the law and receiving the fund from the revenue of the public treasury apportioned by an act of Congress.

"Mr. Wright, in continuation, remarked that the phrase struck him with singular significance; but it was assumed that a State might be factious or disobedient in refusing the bounty of Congress, when offered. He did not mean to go into the merits of the distribution bill on the present occasion, but he meant to ask, was it an offense for a sovereign State to say to Congress: 'We decline to accept your bounty; you have transcended your power in passing this bill to distribute a fund provided for governmental purposes; we refuse to accept any portion of it; we leave the share assigned us for the end it was designed for?' Surely there can be no offense in this. Now, he would say that a most powerful argument might be drawn against it, if the principle is traced far enough in its operation. If it is held out that the shares of those States declining the bounty shall be distributed to those accepting it, why not go further, and distribute the whole of the revenue by holding out the threat that the dissenting States shall get nothing and the assenting States all? It is now viewed by the Senator from Kentucky as a measure of great relief, to take off the people of a State an onerous direct tax and put it on them in the shape of an indirect tax; that it is a great relief to them to tell their own legislators not to use their direct power of taxing them, and to call upon the general government to exercise its power of indirect taxation in preference.

It is, then, a proposition on the part of the States to abandon their direct taxation. [Mr. Clay interposed. He must deny this inference. He had for ten years maintained the right of distribution, — not as a distribution of taxes, but of proceeds of lands owned by the States. He would state his ground again, and wished the Senator to take it. He considered this fund from lands as a debt due to the States, as belonging to them; and the power of taxation in consequence of the distribution is limited to the obligation which the government is under to pay the debt which has a pre-existence to the taxation.] Mr. Wright did not mean to misrepresent the Senator; if he had waited a moment he would have found that he, Mr. Wright, has no such intention. He was ready to take his proposition just as he has stated it; and all he need say to refute it is, that the argument of the Senator from Virginia has fully met the assumption by referring to the Senator's [Mr. Clay's] often-repeated declarations, that each portion of this debt is the undoubted property of the State to which it is apportioned. But now the Senator [Mr. Clay], in opposition to his own argument, asks Congress *to inquire* when one of the sovereign States says, 'we will not hold the general government to the debt it owes us;' and Congress is to say in reply, 'very well, we will not let the general government have the benefit of your waiver of the debt; we will take it and distribute it amongst the other States, or do something else with it.' If it is a debt due by the government to the State, and waived by the State in favor of the general government, what right can the other States have to take it without the consent of that State which alone had the claim of debt? This was so conclusive an argument that he presumed it required no further illustration in refutation of the right of inquiry.

"Mr. Wright observed that he duly appreciated the Senator's explanation; it was an exemplary and most interesting manifestation of a law-abiding spirit. He had never doubted that the Senator entertained that spirit as fully as any man in this country; but he never supposed it was an offensive violation of law for a man to decline taking any money offered to him. And, as the Senator had illustrated his argument with an anecdote, he, too, Mr. Wright, would beg leave to relate one, as an instance of whig

obedience to the laws and an example of a practical law-abiding spirit. A distinguished citizen of the State of New York, now in public life, and an excellent whig, too, was a leading member of the Legislature of that State a few years ago, and on a question of raising the pay of the members from three dollars per day to four dollars or five dollars — five dollars he believed — he was one of its most strenuous opponents. It was one of the last bills of the session, and his opposition was so energetic that there was some doubt of the passage of the bill. But it did pass eventually, and among the first members who presented themselves at the Clerk's table for their pay was the distinguished individual who had so strenuously opposed the bill. Another member said to him: 'I take it for granted you will not receive the increased pay.' 'Sir,' replied the distinguished opponent of the bill, 'I am too good a patriot to disobey the laws of my State.' He, Mr. Wright, thought this was a suitable companion for the Senator's illustration of the gouty member of Parliament, who wished to be included in the act compelling the watchmen to sleep all day."

Mr. Wright to Elam Tilden.

[Extract.]

"Washington, *6th December*, 1841.

"My Dear Sir. — Our victory has been truly great and gratifying; and yet your strong political thinking has, in my judgment, brought you, as it almost always does, to a correct conclusion as to consequences. If the whigs had retained the Senate for this year it would probably have been easier for us to have regained the State completely next year. We must not, however, complain of prosperity, and especially when it comes, as I think it has now come, by the sole energies of 'the sober second thought' of an honest people. We must meet the crisis as it meets us. We must show the people the truth as to our finances, and then act as honest men would act, determined to pay their debts and await insolvency. Everything hangs upon the action of our Legislature during the coming session. If our friends in that body are bold and frank and honest the people will sustain them; but if they underrate the intelligence and patriotism of the people, and continue the attempts to humbug them, and to

purchase their good-will by their own credit sold in the market at eighty cents for the dollar, we shall as certainly be beaten next fall as we have beaten the whigs this. These seem to me to be truths so plain that no one can mistake them, and I still tremble with fear lest some of those elected to the Legislature as republicans may, from mistaken views, from apprehensions of local expediency, from selfish interests, or from some other improper or unwise impulse, urge a continuance of our system of extravagance, and resist the measures indispensably necessary to a return to health and soundness.

"I have little fear of what may be done here, beyond what was done at the extra session. An effort will doubtless be made to rouse the tariff feeling again; but our point, as I think, should be to raise no more revenue in any way, or for any purpose, until the land distribution bill is repealed, and the system of giving away the revenue we have is formally abandoned.

"I have very little hope from President Tyler, except that he may prevent some mischief which his party would otherwise do. I do not think there is enough of him to build upon, or that he has enough of the democratic principles and sympathies left to govern him.

"I have not a moment of time more. Please let me hear often, and believe me,

"Most respectfully and truly yours,

"SILAS WRIGHT, Jr.

"Elam Tilden, Esq."

Mr. Wright to John A. Dix, inclosing a Letter from Michael Hoffman.

"Washington, 8*th December*, 1841.

"My Dear Sir. — I cannot deny myself the pleasure of sending you the inclosed excellent letter from our friend Hoffman. From it you will see the direction of his mind, and it seems to me to be exactly right, while his points are sound and clear, and perhaps not too philosophic. If you can start the republicans in the center counties in the right track, I shall feel that you are safe; but if they fly off upon the enlargement upon the 'more

speedy impulse system,' we shall be ruined. I hope everything from the Onondaga delegation, and am told the Cayuga will track with him.

"I sent you a message yesterday. When you, Flagg and Hoffman have inwardly digested the *fiscality* part of it, let me hear the result of your combined counsels. I do not feel a doubt in my own mind. It seems to me to be, in substance, what I told you Mr. Flagg's report said it would be, but what I could not then believe. Yet I am wholly non-committal here, and shall be glad to learn if your opinions are like mine.

"I have been told to-day that the whigs have a general caucus this evening, to see if they cannot form common cause with Capt. Tyler, upon some ground to which he can be brought, or upon which they can consent to erect their log cabin. The authority of my informant is not the highest, and yet there is, most likely, truth in the report; for, if they have a speck of discretion left, that should be their course. I do not think Tyler and Clay can be brought together. The latter cannot yield the important point, and the former, if report speaks truly of him, is now imperial, and sure he holds that point in his hand, and asks no favors to any party for it.

"In great haste, I am truly yours,

"SILAS WRIGHT, Jr.

"Gen. John A. Dix."

Michael Hoffman to Silas Wright.

"Franklin House, Albany, *December* 6, 1841.

"Dear Sir. — As you may not be incurious to know our position and prospects, I give you my best reflections on them.

"Including the gifts to corporations, our debt at the opening of the session will be about $26,000,000; and it will require more than $3,000,000 in addition to complete the contracts in execution, without adverting to the millions necessary to render useful the part of the Erie enlargement begun and to complete the Genesee and Black River canals.

"If the State will retrench and reform the current expenses to the lowest rates paid since 1830, cease expenditure on the public

works, thoroughly repair the existing canals and render them most efficient, tax and proceed in the work of payment, then I should hope by great activity and diligence to reduce:

"The Delaware & Hudson, to meet the interest and principal on the gift to it of	$800,000
"The Hudson & Berkshire railroad, on its gift of	150,000
"The Syracuse & Auburn railroad, on its gift of	200,000
"The Auburn & Rochester railroad, on its gift of	200,000
"Making together	$1,350,000

which would so much reduce the State debt.

"It is probable, too, that this course would oblige the Troy & Schenectady railroad and the Long Island each to pay the interest on their respective $100,000, and possibly to pay, if not the whole, some part of the principal. But if the State assumes for the Ithaca & Oswego $315,700, and for the Catskill $200,000, already 'suspended,' and for the New York & Erie $3,000,000, which can only pay while we furnish the money — and at the same time goes on borrowing and expending — then I think it will not only lose all these gifts, but also the loan of $162,000 to the city of Albany of the funds set apart to pay the Erie and Champlain debt, and create an irresistable madness to construct the *deferred* works, such as the Ogdensburgh, etc., and complete the Erie railroad.

"This view of the subject indicates the necessity of proceeding in the work of payment, and ceasing further loans and debts. But to this course there are difficulties, and still greater in its execution.

"1. It will be clamorously alleged that at least the enlargement must go on, to accommodate the business and make the sum already expended useful. But I believe that the existing canals, by a proper and thorough repair, can be made to accommodate all business for a series of years; and in the end, when these shall become too crowded, the parallel railroads will be in a condition to aid the canals. By these means all business may be safely and well accommodated, until the State can reduce its debt and restore its credit.

"2. But even if this be true the course is beset with great difficulties, the most prominent of which I will state. The short loans

of the year for the General Fund and canals will, I fear, exceed $3,000,000, to be negotiated, that is, changed into long loans, during the current or coming year. The State has consumed the Safety Fund, and as there are already failures more than sufficient to require it all, new loans must be obtained to, say, $500,000 on this account. Without obtaining anything for itself, the coming year must borrow some $4,000,000 to satisfy the short loans and Safety Fund; and good faith to the contractors will oblige us to borrow, say, $1,000,000 to pay them up the arrears for work already done. If 1841 could obtain only about $300,000 in long loans, how shall 1842 obtain $5,000,000, — and especially if the United States is to come into the market for millions, or, still worse, with bonds for a new whig fiscality?

"3. From the baseless nature of their foundations, it seems that the red dogs have yelped their day. Already many have failed, and soon many more must sink into the tomb of the 'credit system.' Until the Comptroller redeems, our circulation must be rotten and depressed. Long delay will make the currency so bad that even the canal revenues cannot be collected. We must, therefore, soon proceed in the work of redemption, not only to the extent of the Safety Fund, but push on the sales of the red dog mortgages and stocks, to absorb the fifth of depreciation from circulation. These forced sales of mortgages and stocks must absorb several millions of circulating capital, and, as some of the stocks are of this State, tend also to sink the credit of the State in the money market.

"4. In January, 1841, the State had absorbed the capital of the incorporated banks to $4,500,000. All loans since made have been directly or indirectly from them — and the operations of the State have probably rendered their active capital some $8,000,000, which, after the drains of speculators and officers of the banks, has made them 'poor indeed.' Several have expired, and others are gasping. The winter, that closes navigation, will end their struggles, and I see no power in the Safety Fund to absorb their depreciated paper. It will struggle hard to find its way into the salt and auction tax, and the canal tolls.

"Such are the difficulties if we do right; and all these, and worse, if we do wrong. I labored hard to keep you in the

Senate of the United States, but now I wish you were in the Senate of the State. Here is a point of difficulty, where it is worth succeeding if success can be achieved — and worth dying even to deserve success.

"But it is best that you are where you are. The folly of man has created IMPOSSIBILITIES and DEFICIT. All-mighty Power, earth-born, has risen from his sleep of half a century to remove them. Nothing human can do it — but he will 'regulate exchange, settle balances and pay debts' — and then man can again financier. We will struggle to the last gasp to serve the State — reform — retrench — tax and pay — and in the desperate effort we entreat you, and all that breathe for freedom, to save us from federal 'fiscality' 'banks' and taxes. You can try.

"In facing our difficulties, you will observe that I place no reliance on the 'distribution of the proceeds of the public lands.' If they should come, they would be stolen goods, and why should an honest man hope to pay debts by larceny? No, like every other theft, it would curse the receiver. If the States, through Congress, attempt to steal the public lands, the west will lay her hand upon the lands, and, by *gifts* of them, invite an *array* of *settlers*. Who knows himself, or the west, that does not know that the moneys for these lands can never find their way into the treasuries of the Atlantic States; and, in our struggle to pay our honest debts, why should we rely on crime and on impossibility?

"I believe these remarks sufficiently indicate my views. The session is at hand, when you will learn the views of all others. At first we may be somewhat divided in opinion as to the possibility, and then the best practical mode of payment. But examination will shortly satisfy all, of the facts I have stated, and I hope we shall soon be able to agree on the only course that can save the State: organize a new administration — reform all useless offices — reduce all salaries, pay and emoluments to the lowest rates since 1830 — cease expenditures — aid the revenue by a bearable tax — prepare for a thorough repair of the existing canals — urge the railroads to provide sinking funds for our liabilities for them — collect the moneys set apart to pay the

Erie and Champlain debt, and honestly proceed in the work of payment.

"Make my respects to Senators Woodbury and Buchanan, and believe me to be,

"Yours truly,

"MICHAEL HOFFMAN.

"Hon. Silas Wright,

"In Senate of the United States."

CHAPTER CI.

THE COMPROMISE ACT, THE REVENUE, DISTRIBUTION AND RETRENCHMENT.

These four subjects — the compromise act of 1833, the revenue act of 1841, the distribution acts of 1836 and 1841, and proposed retrenchment of expenses by the party in power — attracted early attention and occupied the public mind. Mr. Clay, on the 15th of February, 1842, proposed to define his own position and that of his party on these subjects in their various attitudes. For this purpose he introduced the following resolutions:

"1. *Resolved*, That it is the duty of the general government, in conducting its administration, to provide an adequate revenue within the year to meet the current expenses of the year; and that any expedient, either by loan or by treasury notes, to supply, in time of peace, a deficiency of revenue, especially during successive years, is unwise, and must lead to pernicious consequences.

"2. *Resolved*, That such an adequate revenue cannot be obtained by duties on foreign imports, without adopting a higher rate than twenty per cent, as provided for in the compromise act, which, at the time of its passage, was supposed and assumed as a ratio that would supply a sufficient revenue for an economical administration of the government.

"3. *Resolved, therefore*, That the rate of duties on foreign imports ought to be augmented beyond the rate of twenty per cent, so as to produce a net revenue of $26,000,000; $22,000,000 for the ordinary expenses of government, $2,000,000 for the payment of the existing debt, and $2,000,000 as a reserved fund for contingencies.

"4. *Resolved*, That, in the adjustment of a tariff to raise an amount of $26,000,000 of revenue, the principles of the compro-

mise act generally should be adhered to; and that, especially, a maximum rate of *ad valorem* duties should be established, from which there ought to be as little departure as possible.

"5. *Resolved*, That the provision in the act of the extra session, for the distribution of the proceeds of the public lands, requiring the operation of that act to be suspended in the contingency of a higher rate of duty than twenty per cent, ought to be repealed.

"6. *Resolved*, That it is the duty of the government at all times, but more especially in a season such as now exists of general embarrassment and pecuniary distress, to abolish all useless institutions and offices, to curtail all unnecessary expenses, and to practice rigid economy.

"7. *Resolved*, That the contingent expenses of the two Houses of Congress ought to be greatly reduced; and the mileage of members of Congress ought to be regulated and more clearlydefined.

"8. *Resolved*, That the expenses of the judicial department of government have, of late years, been greatly increased, and ought to be diminished.

"9. *Resolved*, That the diplomatic relations of the United States with foreign powers have been unnecessarily extended during the last twelve years, and ought to be reduced.

"10. *Resolved*, That the franking privilege ought to be further restricted, the abusive uses of it restrained and punished, the postage on letters reduced, the mode of estimating distances more clearly defined and prescribed, and a small addition to postage made on books, pamphlets and packages, transmitted by the mail, to be graduated and increased according to their respective weights.

"11. *Resolved*, That the Secretaries of State, of the Treasury, of the War, and of the Navy departments, and the Postmaster-General, be severally directed, as soon as practicable, to report what offices can be abolished, and what retrenchment of public expenditure can be made without public detriment in the respective branches of the public service under their respective jurisdiction."

Amendments to these resolutions were moved by Mr. Wright, Mr. Rives and others. After a long discussion, the resolutions all failed by a vote of 21 to 22.

Mr. Wright thus addressed the Senate upon them, on the 2d of March, 1842:

"Mr. Wright said he entered upon this discussion under a state of preparation so hastily and imperfectly made as not to permit him to feel even his usual degree of confidence of being able to give to the Senate the views he wished to present, in a manner which would enable the members to listen to him, or to understand him if they did. If it were his object to make a reply to the able address of the honorable mover of the resolutions, made to the Senate on yesterday, he should feel, and should be, wholly unprepared, as he had not, to any extent, consulted the documents necessary to enable him to follow that learned Senator through his various statistical and financial calculations. Such was not his object, as would have been already seen by the amendments which he had had the honor to offer, and which were now upon the tables of the members. The original resolutions did not appear to him to present, with sufficient distinctness, the great points involved in them, and hence he had proposed the amendments; and the object of his remarks would be rather to open the debate on the other side of these great questions, than to follow and reply to the speech of the honorable Senator [Mr. Clay.]

"The honorable gentleman had appealed to the Senate to come to the consideration of these resolutions without the prejudices and passions which politics and partisan feelings too often involve, and Mr. W. had remarked, with unfeigned pleasure, the almost entire absence of observations in the address of the honorable Senator calculated to excite such feelings. In that respect he could and would imitate the honorable gentleman, though he had not the vanity to expect to be able to imitate him in other respects. He would make no remark with the intention to arouse and excite party feeling or prejudice, or to bring either into the discussions or the action of the Senate upon the resolutions.

"The honorable Senator had anticipated — as, from the character of his mind, his great legislative experience and intimate knowledge of the constitution and powers of this body, to

which his resolutions are presented, he could not have failed to anticipate — preliminary objections to the resolutions themselves. They relate, almost exclusively, to the subject of raising revenue to meet the expenses of the government. Their object is to prescribe the modes in which that revenue shall be raised, to point out the descriptions of property to be taxed, to fix the amount of revenue to be raised, and recommend a *maximum* of taxation upon any article. In other words, the resolutions propose to set bounds and limits to the exercise of the powers of the Legislature over this delicate and difficult subject, and that they propose shall be done here, where a bill to take revenue cannot be originated under the Constitution; that the Senate, which cannot constitutionally propose a tax in the shape of a law, shall prescribe to itself, and consequently to the House of Representatives, in advance, the bounds and limits within which, and the extent to which, the constitutional powers of both, to raise revenue in this form, shall be exercised. All this may be well, and may be proper; and he did not make these remarks in a tone or spirit of censure or complaint that the resolutions had been introduced. He must say, however, that when he first saw the resolutions, and from that time to the present, it had appeared to him that action upon them here might subject the Senate, to some extent at least, to that same description of censure from the House of Representatives which had been sometimes bestowed upon another branch of the government, when it had been suspected of prematurely shadowing forth its views and wishes in relation to the form and shape and provisions of particular laws, in advance of the action of Congress. All would remember the frequent occasions when complaints of this character had been broadly and loudly preferred against the executive, not upon the ground that he was not, under the Constitution, a co-ordinate branch of the legislative power, but because his constitutional action was to follow, not precede, the action of Congress, and he had no right, by throwing out his views in advance, to attempt to restrain and limit congressional action. So here. The Constitution gives to the House of Representatives the *exclusive* right to originate 'all bills for raising revenue,' and yet the Senate is called upon to pass resolutions,

which, to use the metaphor of the honorable mover, 'are to stake out the ground' for the exercise of this right; for it would be idle to say that we do not intend to influence the action of the House in this matter, when we deliberately set our stakes in advance of their action, and tell them such are the limits which we will give to their revenue bills. Again, he repeated, he did not make these remarks in the language of complaint. He apprehended no very serious effects from the influence which expressions of this character, made in this way, would exert upon the House of Representatives; but he could not consider the proceeding strictly regular for the Senate.

"A single other preliminary remark would bring him to an examination of the resolutions themselves, and of the merits of the questions raised by them. He was relieved from some of the most serious difficulties which had, upon some former occasions, surrounded this subject of an adjustment of our tariff of duties upon imports, by being able to approach the discussion with the conviction that two great and leading and important principles in regard to it were now perfectly settled and universally admitted by all men of all parties in this country. They were the following:

"1. That revenue should be the object and inducement for the imposition of duties upon imports, and that every other consideration should be merely incidental to this great and necessary object.

"2. That the wants of the government, economically and properly administered, should be the measure of revenue to be raised from any source or in any manner.

"There had been a time, within his remembrance, when both these principles were strongly controverted, and when protection to domestic interests was the ground upon which the imposition of duties was urged, and the revenue to be derived was a merely incidental consideration. Indeed, when these plain principles were first announced, in the message of a late President, as those which should guide and govern this branch of legislation, they were looked upon by many as hostile to domestic interests, if not unpatriotic in themselves. They soon, however, came to be more carefully and maturely considered, and the consequence has been

their universal adoption. They are enacted in the compromise law. They are found soundly and distinctly put forth in the finance report of the present Secretary of the Treasury; and he was glad to meet with their strong repetition, in a late report from a committee of the House of Representatives on the subject of a fiscal agent. These great and leading principles he hoped he might consider as 'stakes' already set, and they should be kept carefully in the eye and the mind of every statesman who attempts to mark out future action upon this all-important subject.

"He came now to the resolutions themselves. The honorable mover of them told us yesterday that the first resolution, which Mr. W. had not proposed to amend, had been characterized as a mere assertion of truisms. Mr. W. believed it might well have been so characterized. He belived it contained declarations of principles of action which no man here would attempt to controvert, which no man in this country could controvert. He supposed no man would question the soundness of the principle, as applied to individuals, that every man should live within his means; and yet how abundant was the evidence, at this time, in this country at least, that vast masses have disregarded this principle in their practice. So is the principle equally true with regard to governments, within the limits proposed by the resolution, which are as follows:

"'*Resolved*, That it is the duty of the general government, for conducting its administration, to provide an adequate revenue within the year to meet the current expenses of the year; and that any expedient, either by loan or by treasury notes, to supply, in time of peace, a deficiency of revenue, especially during successive years, is unwise, and must lead to pernicious consequences.'

"And yet, says the honorable mover, the last administration did not live within its income, but carried its expenditures far beyond the current revenues of the respective years of its term. This was true in fact, and yet Mr. W. did not for a moment suppose that there was a member of that administration, or a friend and supporter of it, who would have hesitated a moment to acknowledge the obligation upon it, or to proclaim the duty it owed to the country, to live within its means; and the fact was

a farther and melancholy proof that governments, as well as individuals, too frequently violate rules which they admit to be sound, and disregard in practice the principles which they fully adopt in theory.

"The honorable Senator had felt himself called upon to examine, somewhat minutely, the expenses of the last administration, as his justification for the introduction of this resolution. Mr. W. did not complain of his course. He was right, so far as the fact of a departure by the government from the principle asserted was a justification for its reassertion. The almost constant departure of governments from this sound rule might justify its frequent assertion; and yet he did not suppose a statesman would be found anywhere, not even a British statesman, who would deny the soundness of the rule of action asserted in the resolution. He had no cause, therefore, of complaint against the honorable Senator for placing his resolution upon this ground, nor had he for the manner in which he had presented the facts in relation to the expenditures of the last administration, with a single exception, which he would proceed to point out.

"The honorable gentleman spoke of the expenses of the four years of the last administration, and gave, as Mr. W. believed, certain sums as the gross amounts expended in each year, but he did not catch the sums. He did, however, as he thought, distinctly understand that the figures presented made the average expenses per year, of the four years, exceed the sum of $35,000,000. He referred to this average statement, not so much for any other purpose as to show how easy it was for members of this high body to make mistakes as to the true figures in these matters, and how extensively and injuriously they might mislead others by the simple repetition of their mistakes and errors. The honorable Senator had said, when giving these gross sums, he would not stop to inquire what portion of these expenses were trust funds, or others, as it was enough for his purpose to present the general result. Mr. W. did not know that he had a right to complain of this use of the figures, which he did not doubt had been taken from some public document; but, happening to recollect that in another able speech of the learned Senator, made at a late extra session of Congress, he had given us different

sums upon the same points, he had found himself compelled to make personal examination, that he might present the truth, with the proper deductions for trust and other funds, and for all other payments from the treasury which were not in fact public expenditures.

"In this examination he had been fortunate, for he had found a document, from the late Secretary of the Treasury, Mr. Ewing, the authority of which, upon this point, the honorable Senator [Mr. Clay] and his friends would not surely question. The table to which he referred was headed as follows:

"'Statement of the appropriations and expenditures each year, from 1829 to 1840, inclusive, for the civil list, foreign intercourse and miscellaneous objects, for the military establishment, pensions, fortifications, internal improvements, Indian department, and the naval establishment, exhibiting also the excess of appropriations over expenditures.'

"And upon page twenty-five, the actual expenses for the four years of Mr. Van Buren's administration, exclusive of trust funds, public debts, and the like payments from the treasury, which did not belong to the expenses of the year are given as follows:

"'For the year 1837	$31,610,003 09
"'For the year 1838	31,544,396 19
"'For the year 1839	25,443,716 94
"'For the year 1840	22,389,356 31
"'Making a total of	$110,987,472 53'

"This will give an average expenditure for the five years of $27,746,868.13, an average per year less than that presented by the honorable Senator of just about $8,000,000. This is no inconsiderable error, and how had it arisen? Unquestionably from including in the Senator's calculation payments from the treasury which were no part of the expenses of the government. What payments had been so included it was impossible for him to say, as he had not seen the data upon which this average of $35,000,000 had been made up.

"He would, however, mention one item, which he did not doubt had entered into that computation. He referred to the issue and redemption of treasury notes. This process had been going on during almost the entire period of Mr. Van Buren's

administration, and upon no subject had there been more palpable misunderstandings here and elsewhere, and more erroneous statements disseminated over the country. Almost every Senator who heard him would remember how frequently and how eloquently it had been contended on this floor, as well as at all the hustings in the country, that the public debt, from the emission of treasury notes alone, had risen to the frightful sum of $20,000,000; and yet every member of Congress, who chose to examine the subject, knew that there was no power given in the laws passed upon that subject to issue more than $10,000,000 of those notes to be outstanding at any one time, and consequently there was no power to create a debt in that way to exceed $10,000,000, under any circumstances or in any contingency.

"How, then, it will very naturally be inquired, could misunderstanding, so broad and so universal, be produced under a limitation so simple? In this very plain manner: The treasury notes were to be issued, redeemable at the expiration of one year, but every note was made receivable at any time in payment of all dues to the United States; and no note, when once paid in for public dues, whether at the treasury or elsewhere, could be reissued, but was, by the law, required to be canceled and annulled; and authority was given to the Secretary of the Treasury, whenever a note should be so paid in before it became redeemable, to cause a new note to be issued in its place. In this way the original amount of emissions could never be exceeded, as outstanding debt, and yet the gross amount of emissions in fact would depend entirely upon the payments made in the notes within the year. The same identical sum might, being represented by any single and given note, be paid in, and again emitted in the form of a new note, during every month of the year, and the amount of the public debt not be effectively changed by the process. This was the mode adopted under the laws to keep out the debt; and while it was diminished by the payment in of a note to-day, it was increased to exactly the same extent by the emission of a new note to-morrow, in the place of the one so paid in.

"Still the books of the treasury would show, by this process, the accumulation of an enormous debt upon the one side, and

the payment of a debt just equally enormous upon the other; because every note paid in must pass on to those books as so much money received, and every note issued in place of the one so paid in and canceled must pass on to the other side of the same book as so much new debt contracted; while, in sober fact, not a cent had been either received or paid, but an operation of the credit system had been going on, under a law of Congress, through which the payment of one note was accomplished in the emission of another. This is a simple solution of the whole mystery; and had those who seemed to be so alarmed at the accumulation of our public debt turned their attention to the opposite page of the ledger, and examined the correspondent increase of our revenue and means, the true working of this paper system would have been better understood and more truly represented to the country. It was paper upon the one side and paper upon the other, credit upon the one side and credit upon the other; and while the apparent debt was thus swelled under the operation of these laws, corresponding credits were extinuigshed by the same operation, so that the balance of the books would at all times show that the original $10,000,000 authorized to be borrowed had not been exceeded, and most usually not even reached.

"The document in his hand, and to which he had last referred, sustained him in this explanation. Upon page twenty-six would be found the payments made from the treasury during the four years of the last administration, and not understood by Mr. Ewing to be part of the expenses of administering the government, but payments from the treasury independent of those expenses. The amounts for each year thus paid are given by Mr. Ewing as follows:

"'Trust funds, treasury notes, interest, etc., for the year 1837, $5,655,034 06
"'Trust funds, treasury notes, interest, etc., for the year 1838, 7,911,042 16
"'Trust funds, treasury notes, interest, etc., for the year 1839, 12,071,219 21
"'Trust funds, treasury notes, interest, etc., for the year 1840, 4,860,553 20

"'Making the whole of these payments in the four years, $30,597,848 63'

"This shows an average of payments from the treasury during the four years of Mr. Van Buren's administration, over and above the expenses of the government — being for trust funds, payment

of the outstanding debt, indemnities under treaties with foreign nations and the like — of $7,649,462.15 per annum; a sum about the same as the difference before stated between the true average of the expenses for those years and the average exhibited by the honorable Senator.

"While upon this subject he desired to extend his remarks a little further, and to examine this document from Mr. Secretary Ewing a little more extensively. Much had been said about the expenses from 1825 to 1828, inclusive, — the years of the administration of the second Adams; and it had been proclaimed, almost as a miracle, that the ordinary expenses ranged then between $12,000,000 and $15,000,000 per annum. The document in question did not cover that auspicious period, but commenced precisely at its close and came up to the beginning of the present whig reign. It covered exactly the ominous twelve years of Gen. Jackson and Mr. Van Buren, from 1829 to 1840, both years being included. And to the expenses of those years, and a comparison between the appropriations and expenditures for each year, he entreated the careful attention of the body. He desired Senators particularly to remark the almost uniform excess of appropriations over the expenditures for the first ten years of the series, and especially the *maximum* of that excess in the year 1836, when the appropriations made by Congress for the year amounted to $37,755,606.11, while the executive government only expended the sum of $29,655,244.46, thus presenting an excess of appropriations over the actual expenditure, within this single year, of $8,100,361.65. Will any one ask stronger proof as to which branch of the government led the other into the excess of public expenditures during this period of expansion, of profusion and of surplus revenues? He desired it to be equally carefully remarked that the expenses, during the whole of the first term of Gen. Jackson, were kept nearly within the standard of Mr. Adams' term, being only from $12,500,000 to $16,500,000 per annum, while the appropriations made by Congress for the last of those years were all but $2,000,000 beyond the expenditure. With this surplus of appropriation beyond the actual expenditure for the year 1832, and current appropriations for the year 1833, amounting to $22,000,000 and over, the expenses of the latter

year were forced up to more than $22,000,000 also. This was the first year of Gen. Jackson's second term. For the second year of that term, 1834, the appropriations were close upon $21,000,000, and the actual expenditures less than $18,500,000; and for the third year, 1835, the appropriations were a little more than $17,750,000, and the expenditures just about $17,000,000. Then comes the last year of President Jackson, and the year of the greatest surplus revenue, 1836, the year in which the appropriations were swelled to more than $37,750,000, being an increase of all but $20,000,000 upon the appropriations of the next preceding year, and leaving an excess of appropriations over the expenditures of more than $8,000,000, notwithstanding the expenses were increased more than $12,500,000 beyond those of the year previous, and were forced up to the enormous amount of more than $29,500,000. All these facts appear from the table of appropriations and expenditures furnished by the late Secretary, Mr. Ewing. The exact amounts as given by him, for each of the twelve years, are as follows:

YEARS.	Appropriation.	Expenditure.
1829	$13,491,131 89	$12,651,457 22
1830	14,976,471 80	13,229,533 33
1831	18,588,681 39	13,863,786 14
1832	18,397,751 82	16,514,134 69
1833	22,025,217 95	22,050,312 31
1834	20,968,992 49	18,420,567 12
1835	17,830,681 40	17,006,513 15
1836	37,755,606 11	29,655,244 46
1837	34,126,807 18	31,610,003 09
1838	33,138,871 09	31,544,396 19
1839	23,862,560 15	25,443,716 94
1840	21,658,872 86	22,389,856 31
Total	$271,821,146 18	$254,379,020 95

"A comparison of the footings of this table will show that, for the twelve years, the appropriations exceeded the expenditures by the sum of $17,442,125.18, being equal to an annual average excess of $1,453,510.49; though the table will show that there was little uniformity in the action of Congress, in fact, in legislating these excesses of appropriation.

"The last four years of the series, from 1837 to 1840, both

inclusive, are the years of President Van Buren's term, and Mr. W. desired to make a brief analysis of the facts in regard to the appropriations and expenditures in those years also. The first important fact to be borne in mind was, that the appropriations for the year 1836, the year immediately preceding the first of his term, exceeded the expenditures of that year by more than $8,000,000; and that sum, therefore, together with the balances of appropriations of former years not expended, remained as outstanding appropriations on the 1st of January, 1837. He found by reference to the finance reports from the Treasury department for the years 1836 and 1837, that the actual amount of appropriations outstanding on the 1st day of January, 1837, applicable to the ordinary expenses of the government, was $16,415,849.70. A reference to the table would show that the appropriations for 1837 were more than $34,000,000, and those for 1838 more than $33,000,000, while the expenditures for each of the years were little more than $31,500,000, thus adding largely in both years to the unexpended balance of outstanding appropriations.

"During the first of these years the revulsion came on. The expansions and speculations and overtradings, which thus filled the coffers of the nation to overflowing, and stimulated this enormous increase of the appropriations by Congress, and consequent expenditures by the executive government, had gone to their utmost excess, and the reflux produced a universal suspension of specie payments, by the banks, in the early part of the year 1837. Still the expenditures for that year had been graduated upon the immense surplus revenue of 1836, and the appropriations for the year were made before the shock was experienced. This fact, together with the vast amount unexpended, at the commencement of the year 1837, of the appropriations for former years, of more than $16,000,000, will sufficiently account for the increase of the expenditures of this over the previous year, although the appropriations for the year were considerably less. Still, the fact should not pass unnoticed, that the amount expended in 1837 was full $2,500,000 less than the appropriations made for the year. The same considerations will account for the keeping up of the expenditures through the year 1838, though Congress began to feel the necessity of retrench

ment in its action,, and the amounts appropriated after the year 1836 were gradually diminished. The expenditures, however, were kept below the appropriations by more than $1,500,000, in the year 1838.

"The year 1839 brought with it the sensible conviction, actively operating upon all the departments of the government, that rapid reductions in the national expenses must be made, or that new sources of revenue must be found to meet appropriations and answer existing demands upon the public treasury. The action of Congress presents the best evidence of the presence and strength of this impulse. The appropriations were brought down more than $9,250,000 in a single year. The great amount of the outstanding and unexpended appropriations of former years did not permit an equally rapid reduction in the expenditures, and hence, during this year, while the amount actually expended was diminished more than $6,000,000 below that of the next preceding year, it exceeded the sum appropriated for the year by a trifle more than $1,500,000. The same cause produced an expenditure, in the year 1840, of about $750,000 beyond the appropriations for the year, and yet left a balance of outstanding and unexpended appropriations, at the close of that year, of $12,306,265.35.

"Such is a very brief and imperfect sketch of the financial history of the government, so far as it relates to the appropriations for the current service of the government and their expenditure, during the twelve years of the administrations of Presidents Jackson and Van Buren, and Mr. W. was pleased that the honorable Senator [Mr. Clay] had afforded him the occasion to make this reference to the matter. Nothing was farther from his intention than to accuse that gentleman, or any other Senator, with intentional error upon these subjects, but error enough had been disseminated over the country in regard to these public expenses; and he trusted the time had now arrived when the public mind was in a state to listen to and weigh the truth in regard to them. Under this belief, he begged gentlemen again to look at this simple table, and see the truths it tells. With the swelling of the revenue the appropriations are swollen from 1829 to 1833, while the expenses were almost uniformly held

back from $1,000,000 to $2,000,000 behind the appropriations, though in the last named year the accumulating balances of outstanding and unexpended appropriations of former years brought them up to the level. For the years 1834 and 1835, the appropriations were rapidly depressed, and the expenditures still more rapidly; and then, in a single year — the memorable year of 1836 — the appropriations were increased from $17,000,000 to $37,000,000, and the expenditures from $17,000,000 to $29,000,000, the latter being increased $12,000,000 in one year, and yet held $8,000,000 below the appropriations for the year. This was the work of President Jackson.

"And at this precise period, this full flood of extravagant appropriation, President Van Buren came into office, and, during his first year, upon an amount of appropriations of more than thirty-four millions, and an outstanding balance of appropriation of former years unexpended of more than sixteen and a third millions, making together almost fifty and a half millions, he expended a little more than thirty-one and a half millions; and from that time to the close of the year 1840, under his administration, the annual appropriations were reduced from thirty-four to twenty-one and three-quarter millions, and the annual expenditures from thirty-one and a half to twenty-two and a third millions of dollars. These are the facts as now given to Congress and the country, in an official form, by the fiscal officers selected by this administration, and from them the honorable Senator himself cannot fail to see with what injustice he proclaims the average expenditures of Mr. Van Buren's administration to have been thirty-five millions of dollars per annum for the four years, a sum three and a half millions beyond the actual expenses of any one of those years, and twelve and two-thirds millions beyond the expenses of the last year in the rapidly descending series.

"The honorable Senator, without reflection, doubtless, made a comparison between the expenses of the last administration and the present, which carries along with it the same error and injustice. In the one case he takes the payments from the treasury, including trust funds and probably the post-office moneys, together with the redemption of treasury notes, and calls the average thirty-five millions per annum; and in the other case he takes the figures

of the Secretary of the Treasury for the actual expenses, separated from all these collateral payments, and finds the amount to be twenty-four millions, thus showing the wide difference of eleven millions per annum in favor of this administration; when Mr. W. would show, from the very same documents, that the present administration was, in fact, now expending and proposing to expend, for the current service of the government, more than was expended in either of the two last years of Mr. Van Buren's term. [Mr. Clay explained. He said he did not, in either case, state the sums with the view to make a comparison. His only object was to compare the expenses under both administrations with his own independent propositions. He did not approve of either, for he thought both too high, and he expressed, at the time, his astonishment that the officers of this administration had proposed and recommended such a scale of expenditure.] Mr. W. accepted the explanation cheerfully. He believed it to be in strict accordance with the intention of the honorable Senator. He did not suppose, at the time, his object to be to make a comparison prejudicial to the last administration; but the learned gentleman could not fail to see that the figures, as he stated them, made the comparison; that the readers of his remarks could not fail to draw the inferences of which Mr. W. complained, and that thus the error would be disseminated, though not intended; for the honorable Senator would pardon him for saying that all knew, and he himself could not fail to know, though he might not feel the consequences of that conviction so sensibly as Mr. W. did, that his powerful voice reached every corner of this extended country, and that such statements from him, however intended, must be explained *by* the proofs, or they would be taken *as* the proofs in relation to these public expenditures.

"Mr. W. held in his hand the annual report from the present Secretary of the Treasury, the same document from which the honorable Senator had derived his figures as to the proposed expenditures for the present year, and he was induced to believe the honorable gentleman had mistaken the amount of new appropriations recommended for the whole amount of expenses proposed. This inference he drew from the fact that, upon page three of that report, the Secretary says:

"'The expenditures for the year 1842, including $7,000,000 for the redemption of treasury notes, are estimatedat ..	$32,791,010 78
"'Deduct the amount included for the redemption of treasury notes.....	7,000,000 00
"'And the estimate for current expenses for the year will appear to be.....	$25,791,010 78'

"This impression is confirmed by another document from the present Secretary, the estimates for the year 1842, sent to the House of Representatives. Upon the first page of this document are found the following:

"'I have the honor to transmit, for the information of the House of Representatives, an estimate of the appropriations proposed to be made for the service of the year 1842, amounting to.....	$24,424,385 95
"'The appropriations for the service of the year 1843 made by former acts of Congress, including arming and equipping the militia, the civilization of Indians, Revolutionary claims, Revolutionary pensions under the act of June 6, 1832, claims of the State of Virginia, unclaimed pensions, relief of the several corporate cities of the District of Columbia, and public debt..... ...	1,572,900 00
"'These sums together make.....	$25,997,258 95'

"The first of the above sums is the one used by the honorable Senator, and it is clearly and expressly the estimate for new appropriations only, while the second embraces what are known as the 'permanent appropriations,' and such of them as pertain to the ordinary expenses should clearly be added to make up the sum of those expenses for the year. The difference between the two sums thus arrived at is supposed to consist of such of the permanent appropriations as are applicable to the public debt, to the debt of the corporate cities of the District of Columbia, and perhaps some other items which are not considered as part of the ordinary expenses; and the first of the above amounts, viz., $25,791,010.78, is believed to be the true estimate for the expenses of 1842, as presented by the present Secretary of the Treasury.

"The year 1841 is to be set down as one of the years of this

administration, and upon page two of the annual report of the Secretary, before referred to, the expenditures of that year, ascertained and estimated, are found stated as follows:

"'The expenses, as ascertained, of the first three quarters of 1841, were		$24,734,346 97
"'Deduct the amounts, included in the above sum, paid for the redemption of treasury notes and interest, and for payments upon the public debt		5,054,891 77
"'Making the ascertained ordinary expenses for the three quarters		$19,679,455 20
"'Whole estimated expenses for the fourth quarter	$7,920,723 78	
"'Deduct amounts included for interest on loan and redemption on treasury notes	573,183 95	6,717,539 78
"'Thus showing that the net ordinary expenses for the year 1841, as ascertained and estimated at the Treasury department, were		$26,396,994 98'

"Thus, then, we have, as nearly as they can be yet ascertained, the expenses of the government, properly so called, for the first two years of the present administration, the first at a little more than twenty-six and one-third millions, and the second at a little more than twenty-five and two-thirds millions; while the same expenses of the last two years of the administration of Mr. Van Buren were, for 1839 a little less than twenty-five and a half millions, and for 1840 a fraction more than twenty-two and one-third millions of dollars. Nor will it do to say that the expenses of 1841 were graduated by the legislation which had taken place before the present administration came into power, as was the fact with the first year of Mr. Van Buren's term; because the extra session of Congress in the summer of the year 1841 must have increased the expenses of that year, by direct appropriations, to an amount not very different from four millions.

"Compare, then, the state of the country, and the state of the treasury, at the two periods, and see how the questions of economy and extravagance will stand between the two administrations. Mr. Van Buren came into power upon the flood tide of an excessive revenue, and his whole term was characterized by reduction

and retrenchment, both as to appropriations and expenditures, as has been abundantly shown from official documents resting upon the authority of the highest fiscal officers of this administration. The present party in power came in upon the lowest ebb of that tide, under a sinking revenue, an impoverished treasury, rapidly diminishing appropriations, greatly depressed expenses, and a state of impaired public and private credit, and what has been the policy? Increased expenses, new and additional taxes, and forced loans. At the former period, the greatest evil upon the country was the redundancy of the public revenues, and it was great indeed, so great that it was deranging and unsettling everything connected with the monetary affairs of the country; so great that it was the anxiety, Mr. W. might almost say the ambition, of all to get rid of it in any way which should not be positively mischievous. Hence appropriations were cheerfully voted, which, under other circumstances, would have found little support, and whole classes of private claims were recognized and temporarily established, without very rigid scrutiny into the principles involved or the equities presented. Ask the members of the committees of this body, those who have had occasion to examine claims of the various classes, what weight they will give precedents of allowances to be found upon our statute book during those years of surplus revenues. And yet, after we had voted all the appropriations we could find an apology for voting, all the appropriations we dared to vote, more than twenty-eight millions of the money in the treasury was given away to the States, under the specious name of 'a deposit,' because Congress could not summon ingenuity enough to expend the revenue as fast as it accrued, and the accumulation roused to action the appetite for distribution to the States. At the second period, every circumstance which should have controlled and limited expenditure, was reversed, and, strange to say, the policy adopted has been reversed also; and while reduction and depression of expenditure characterized the councils of the country under the former, enlargement and extension is the passion under the latter.

"The resolution under consideration declares, in substance, that governments should be conducted within their means, in times of peace. The rule is a sound one, and how are these two

administrations likely to compare, in reference to the observance of this salutary limit? How stands the administration of Mr. Van Buren, upon a trial by this rule, and how is the present likely to stand, so far as past and present acts and policy furnish a standard of judgment for the future? Upon this point, again, Mr. W. could speak by the book. An official document from the present Secretary of the Treasury, transmitted in answer to a call made by the Senate during its present session, states the amount of public indebtedness, at two specific periods, the 3d of March, 1841, the day on which the administration of Mr. Van Buren terminated, and the twenty-third of December last, precisely nine months and twenty days after the present administration came into power.

"The amount of the public debt on the 3d of March, 1841, as given in the document referred to, was			$8,379,059 81
" Of this amount the following items compose a part, and as will be seen from their character, should be deducted, to ascertain the amount of debt contracted for the support of the government during the administration of Mr. Van Buren, viz.:			
" 'Debt of the corporate cities of the District of Columbia, assumed by the United States.....		$1,440,000 00	
" 'The funded debt: Principal,	$53,174 38		
Interest,	243,106 36		
		296,280 74	
" 'The unfunded debt: Registered certificates	$26,622 44		
" 'Registered treasury notes issued during the late war,	4,475 00		
" 'Registered Mississippi certificates	4,320 09		
		35,487 53	
			1,761,698 27'
"Thus leaving a balance, as the debt contracted during the administration of Mr. Van Buren, by the issue of treasury notes, which had not been redeemed, of.....			$6,607,361 54

"This is the amount of that debt, as given in the document, and to it the following note is appended, viz.:

" 'This amount is exclusive of notes received for duties and lands, subsequent to the 31st of December, 1840, and which were not reported on for record on the 3d of March, 1841, by the accounting officers.'

"From this it will be seen that this balance should be diminished by the amount of treasury notes which were received in payment of public dues from the 1st day of January to the 3d day of March, 1841, both days inclusive, being a period of sixty-two days. Mr. W. could not withhold the expression of his surprise and regret that the amount of this deduction had not been ascertained and made in the document itself. These notes must have been 'reported on for record by the accounting officers' long before the 23d of December, 1841, the day on which the call for this information was made by the Senate. It is impossible to suppose that treasury notes, received in payment for duties or lands on or before the 3d of March, 1841, were 'in the hands of the accounting officers for settlement' on the 23d of December, 1841, and had not then '*finally passed*' these officers; and, as the call of the Senate was not answered until the 10th day of January, 1842, eighteen days after it was made, it would seem that this simple fact might have been ascertained and made certain in the answer to that call.

"As, however, that had not been done, Mr. W. had sought information upon this point from the highest source, next to the record evidence in the possession of the department upon which the call had been made, and he felt authorized to say, from the evidence thus obtained, that the amount of treasury notes issued under Mr. Van Buren's administration, and so *in fact* redeemed, between the 1st of January and the 2d of March, 1841, was not less than $1,000,000; thus reducing the debt contracted during that administration, and unpaid at its close, from the sum above given, of $6,607,361.54 to $5,607,361.54. This would correspond very nearly to the statement of that debt, so frequently and confidently made by the late Secretary of the Treasury, now the honorable Senator from New Hampshire [Mr. Woodbury], during the late extra session. That gentleman had uniformly stated this balance of debt at about $5,500,000. So far, then, to the extent of about $5,600,000, had the administration of Mr. Van Buren gone in its expenditures beyond the current and available

means of the treasury, during a period of four years of the most excessive appropriations which the history of the country, in a time of peace, had presented or could present.

"How was it with the present administration?

"The same document would answer the question for the twenty-third day of December last. It states the amount of the whole public debt, upon that day, to have been			$14,728,085 70
"Here, again, the same items of old debt should be deducted, to arrive at the amount of debt contracted by the present administraion. They are given in the document, as follows, viz.:			
"'Debt of the corporate cities of the District of Columbia, assumed by the United States		$1,440,000 00	
"'The (old) funded and unfunded debt, viz.:			
"'The funded debt: Principal,	$52,434 76		
Interest..	240,728 84		
		293,163 60	
"'The unfunded debt: Registered certificates	$26,622 44		
"'Registered treasury notes issued during the late war,	4,475 00		
"'Registered Mississippi certificates	4,320 09		
		35,417 53	
			1,768,541 13'
"This will leave a balance of debts contracted by the last and the present administration, by the issue of treasury notes and by loans, of			$12,959,504 57
"From this deduct the balance of debt contracted by the last administration by the issue of treasury notes, and unpaid on the third of March last, as shown by the document			6,607,361 54
"And it will leave the amount of debt contracted by this administration from the third of March to the 23d of December, 1841, standing at			$6,352,143 03

"To the items of treasury notes outstanding, in this statement also, a note is appended in the following language, to wit:

"'This amount is exclusive of notes received for duties and lands subsequent to the thirtieth September last, and not reported on for record in this office by the accounting officers.'

"If the treasury notes actually redeemed by being paid in for public dues, between the 1st of October and the 23d of December, 1841, and between the 1st of January and the 3d of March of the same year, shall have been equal in amount, then this comparative statement will be correct, and the balance of debt shown to have been contracted by the present administration up to the twenty-third of December last will be the true balance. If, however, the amount of notes so paid in, and by that means redeemed, in fact, shall have been less, during the period first mentioned, than during that last mentioned, then, to precisely the extent of the difference, the balance of debt shown by the above calculation to have been contracted by this administration will be too small.

"Assume that it is the true balance, and how stands the comparison with the rule we are asked to establish, that every administration should, in time of peace, administer the government within the means of the treasury, and not contract a debt to meet its ordinary expenses? The administration of Mr. Van Buren, in a period of four full years, diminishing its expenses constantly from the commencement to the close of the term, exceeded the means of the treasury by about $5,500,000. The present administration, in a period of nine months and twenty days, increasing the scale of expenditure by a special session of Congress, in that short time exceeded the means of the treasury by more than six and one-third millions. Such is the comparison as presented by the present head of the Treasury department; and here Mr. W. would dismiss the first resolution of the honorable Senator, and the grounds upon which its introduction was justified. The second resolution is in the following words:

"'2. *Resolved*, That such an adequate revenue cannot be obtained by duties on foreign imports, without adopting a higher rate than twenty per cent, as provided for in the compromise act, which, at the time of its passage, was supposed and assumed as a rate that would supply a sufficient revenue for an economical administration of the government.'

"This Mr. W. proposed to amend, so that it should read as follows:

"'*Resolved*, That such an adequate revenue cannot be obtained without restoring to the national treasury the revenue from the public lands, or the

imposition of high taxes upon all foreign imports, including the ordinary necessaries of life, thus making the tax onerous to the whole people, because of those necessaries the whole people are consumers.'

"The original resolution, it would be seen, was based upon two assumptions:

"1. That a rate of duty of twenty per cent upon all imports would not furnish the amount of revenue required for an economical administration of the government.

"2. That, at the time of the passage of the compromise act, so called, it was assumed that this rate of duty would furnish that amount of revenue.

"The amendment he had proposed would show that, in his estimation, both these positions were a departure from the great question which should first be presented to and decided by the Senate, viz.: Was the government to be supported and its expenses met, in every contingency except that of actual war, by the revenue to be derived from impost alone, without the application to those expenses of the revenue to be derived from the public lands? He did not desire here to discuss the assumptions upon which the original resolution was made to rest, as the first would arise under a subsequent resolution, and as to the second he had but a single remark to make. It was, that he did not know what might have been the opinions and views and objects of others at the time of the passage of the compromise act; but, as a member of this body, voting for that law, he certainly never for a moment even dreamed that he was voting for a measure which was eventually to separate the land revenue from the public treasury, and throw that treasury exclusively upon the revenue from impost for a supply of means to meet the expenses of the government.

"The third resolution was in this language:

"'8. *Resolved, therefore*, That the rate of duties on foreign imports ought to be augmented beyond the rate of twenty per cent, so as to produce a net revenue of $26,000,000; $22,000,000 for the ordinary expenses of government, $2,000,000 for the payment of the existing debt, and $2,000,000 as a reserved fund for contingencies.'

"This resolution assumes very important positions, to one of which certainly Mr. W. was not yet prepared to subscribe. He

referred to that one which proposed to establish the sum of $26,000,000 as the amount of revenue necessary to be annually raised from impost alone. He thought that sum much too high to meet all the wants of the government, if it was to be administered with any sort of economy, and also to liquidate the existing debt. Indeed, it appeared to him, from the remarks of the honorable Senator, as well as from the language of the resolution itself, that this sum was $2,000,000 beyond the computation of the gentleman himself. His resolution sets apart $22,000,000 of the amount 'for the ordinary expenses of the government,' and so did his argument. All his remarks were based upon that sum as the standard of ordinary expenditure, and all his calculations and comparisons went to show that it should be sufficient. He then followed his resolution, and set apart two other millions 'for the payment of the *existing* debt.' As to the remaining $2,000,000, Mr. W. certainly did not understand the Senator, or he did not understand himself. The resolution says, '$2,000,000 for a reserved fund for contingencies,' and the remarks of the honorable mover were calculated to produce the impression that he had in his mind, and intended by the language, 'a reserved fund for contingencies,' a mere balance to be 'reserved' or retained in the treasury to guard against those numerous 'contingencies' which might, in some years, cause a failure to realize, within the year, the whole $24,000,000 to be expended in meeting the ordinary expenditures of the government and paying the debt. In support of this provision of the resolution the honorable gentleman referred expressly to the honorable Senator from New Hampshire, late Secretary of the Treasury [Mr. Woodbury], and to Mr. W. as having always favored and urged upon Congress the necessity of the existence of a balance in the treasury of $2,000,000, to guard against fluctuations in the current revenue and other contingencies; and if he offered any other arguments or facts upon this point Mr. W. did not hear them. It was true that his honorable friend from New Hampshire, when at the head of the Treasury department, and himself, when holding a place upon the Committee on Finance of the Senate, had frequently urged the great convenience and utility of such a treasury balance, and he had seen no cause to change his opinion

upon that point. It had never, however, entered into his contemplation that, to sustain that balance in the treasury, the whole sum must be raised and replaced annually. He had supposed that, once there, if the current revenue should be equal to the current expenses, it would remain there, sufficiently to answer all useful purposes; that if a delay of collection or remittance, or other cause, should create a temporary deficiency in the revenue for one month or one quarter, and thus call for the partial or entire use of the reserved balance, the correction of the irregularity in the next month or the next quarter would bring into the treasury a corresponding surplus, and thus restore the fund. [Mr. Clay explained. He said he might have passed this point, and probably did, without sufficiently explaining his views. He did not intend these $2,000,000 as a treasury balance simply, but also to meet the contingencies of legislation, of appropriations beyond the estimates and the established means.] Mr. Wright said the explanation only showed, if it was to be accepted as made, that the honorable Senator had been mistaken in assuming $22,000,000 as the standard of ordinary annual expenditure, and that it was the object of his resolution to make that standard $24,000,000 and not $22,000,000. He had no other remark to add in relation to this part of the resolution or the explanation upon it.

"The honorable Senator had exhibited various calculations and estimates to show what rate of duty upon our imports would be required to raise the revenue which he supposed to be necessary. Mr. W. did not propose to review those calculations or estimates, or to exhibit others of his own. He had never ventured to estimate for the future either as to imports or revenue. He did not possess a sufficient knowledge of the trade of the country, and of the causes which must, and of those which might, influence it, to enable him to do so in a manner which would give confidence to his own mind, much less to impart confidence to others, in the conclusions to which he might arrive. His course had been, and must be now, to examine the facts of past time upon these subjects, and let them be his guides to action for the future. Even those facts time had allowed him to examine but very imperfectly upon this point.

"He had looked, however, at the tables of imports for several years back, and found the following results. Taking periods of ten years together, and averaging the importations, exclusive of such as were re-exported with the privilege of a drawback of the duties, the business of thirty years, commencing with the year 1809, and terminating with the year 1838, presents the following average importations of goods remaining in the country, and of course consumed by our citizens :

	Value of Importations.	Average for the ten years.
"'From 1809 to 1818.....	$656,137,846 00	$65,613,784 00
"'From 1819 to 1828.....	579,071,355 00	57,707,135 00
"'From 1829 to 1838.....	983,998,959 00	98,399,895 00'

"Such had been the importations, not re-exported, for the thirty years preceding and inclusive of the year 1838, if the tables presented to us from the Treasury department were to be depended upon, though the results presented had, in some things, greatly surprised him. He had often heard the increase of population referred to as a safe rule by which to calculate the increase of importations, and the honorable Senator from Kentucky had made that reference, as one of the data by which calculations were to be made. It must undoubtedly have its influence, because the increase of consumers must tend to enlarge the demand for the articles to be consumed; but when he saw that the average importations consumed in the country, for the ten years including 1809 and 1818, were greater, by almost $8,000,000 per year, than those for the succeeding ten years, including 1819 and 1828; and when he reflected that the first period embraced our second war with England of three years, during which foreign commerce was supposed to be almost annihilated, and that the whole of the latter period had been usually counted one of almost uninterrupted trade and prosperity, and certainly was one of most rapid and almost, if not altogether, unexampled increase in our population, he was compelled to believe that there were influences graduating our foreign trade far more powerful than the increase of our population. The third period, too, that from 1829 to 1838 inclusive, was not without its lesson for reflection. It was within this period that the protective policy, almost independent of the

consideration of revenue, had its prevalence, and still its average of importations for consumption is full one-third higher than that of either of the former ten years.

"He had, also, sought the importations for the years 1839 and 1840, from the tables of the commerce and navigation of the country, as the table from which he had drawn the other results did not extend to those years. The tables of commerce and navigation do not give the re-exportations, so that he could only present the gross importations of the two last named years. They were given as follows :

	Value of Importations.
"'For the year 1839	$162,092,132 00
"'For the year 1840	107,141,519 00'

"Here would be seen a falling off of importations between 1839 and 1840 of almost $55,000,000, and the examinations of the several years in the whole series of the thirty-two years mentioned would show great fluctuations. The amount of importations for consumption in 1836 was $168,000,000, while the same amount for 1838 was but $101,000,000.

"The honorable mover of the resolutions, from the calculations he has presented, arrives at the conclusion that the importations for future years will average but $91,000,000, and those calculations, he tells us, are based not upon the imports but the exports. He may be near the truth. Mr. W. had not made and could not make prospective calculations, any farther than safe conclusions could be drawn from the facts of the past. Those he had given. The tables of commerce and navigation for 1841 were not yet made up, but the importations of that year would probably sink something below those of 1840, perhaps as low as the Senator's estimate of $91,000,000.

"Was it safe, however, to make the business of 1841 the basis for the arrangement of a permanent tariff of duties? Was it not likely that the present period of depression had reached its limit in that year? He hoped it had. The importations of 1842 might be as low, possibly even lower, for events were now transpiring in the States, as well as here, which could not fail to have a most powerful influence, favorable or unfavorable, upon the business of this year. Yet his impression was that, after

this year, at the farthest, a revival of business would be experienced, if not in furtherance of sound legislative policy, against unsound policy and measures of legislation, State or national.

"It was impossible for him to say that a duty of twenty per cent upon our importations, added to the land revenue, would be sufficient to meet the wants of the public treasury; but he could say that, in his estimation, that revenue should be brought back and applied to the expenses of the government, before further loans were made or further taxes imposed. Apply the revenues we have at our command to fill our empty treasury, and then he would cheerfully unite with the gentlemen upon the other side to vote such taxes as should be necessary to meet the expenses of an economical administration; but while the majority were disposed to give away the revenue we have, they were offering poor encouragement to the minority to vote either loans or taxes. Entertaining such impressions, he had proposed to amend this resolution so that it should read as follows:

"'*Resolved, therefore*, That so much of the act entitled, "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved on the fourth day of September, eighteen hundred and forty-one, as appropriates those proceeds to the States and Territories, and to the District of Columbia, ought to be repealed, because it is now apparent that this portion of the public revenue cannot be taken from the national treasury without creating the instant necessity for increased loans, or additional taxation, or both, to an amount sufficient to supply the deficiency thus produced.'

"In his opening remarks, addressed to the Senate yesterday, the honorable Senator from Kentucky [Mr. Clay] said a prudent and careful farmer always staked out his land before he sent his teams on to commence with the plow, and that these resolutions were to be his stakes. The fourth resolution of the series reads as follows:

"'4. *Resolved*, That, in the adjustment of a tariff to raise an amount of $26,000,000 of revenue, the principles of the compromise act generally should be adhered to; and that, especially a maximum rate of *ad valorem* duties should be established, from which there ought to be as little departure as possible.'

"Now, the honorable gentleman must pardon him for the remark, that it would be very difficult to plow by the stakes

set by this resolution. In the first place, the principles of the compromise act were to be adhered to '*generally.*' This was very well of itself, but then the condition was annexed that $26,000,000 of revenue must be raised from impost alone, to do which might overturn the principles of the compromise act generally. In the second place, a '*maximum* rate of *ad valorem* duties' was to be established, but no rate was proposed, no stake was stuck. And in the third place, when this *maximum* should be established, there was to be '*as little departure' from it as possible.* What could be more particularly general than this resolution? What more entirely vague? And how was it possible for the honorable mover to suppose that the passage of it by the Senate could aid us in legislating upon this important subject, when the House of Representatives should please to send us the necessary bills? If amended as he had proposed, the resolution would read as follows:

"'*Resolved*, That in the adjustment of a tariff to raise an amount of revenue, such as may be required, over and above the means to be derived from the sales of the public lands — which amount should always be equal to the current expenditures of the government, economically and properly administered, and to the gradual but certain extinguishment of any existing debt — the principles of the act of the 2d of March, 1833, entitled "An act to modify the act of the fourteenth of July, one thousand eight hundred and thirty-two, and all other acts imposing duties on imports," commonly called the compromise act, ought to be adhered to, as the general basis of such adjustment.'

"The passage of the resolution in this form will set important stakes. It will determine that the land revenue is to be brought back for the uses of the national treasury, and that whatever revenue shall be required beyond that for the current expenses of the government, economically and properly administered, and for the gradual but certain extinguishment of the present public debt, shall be raised from impost upon the general basis of the compromise act. That basis is, among other things, cash duties, home valuations, rates of duty as nearly uniform as can reasonably be imposed, an exemption from duty of certain enumerated articles used in manufactures, and, above all, 'an economical administration of the government.' The rates of duty would be

controlled generally by the amount of revenue required, and in particular cases by the nature and character of the article to be taxed.

"The honorable Senator had gone into a labored argument to show that the general rate of duty must be thirty per cent; but his conclusion rested upon the hypothesis that $26,000,000 per annum must be raised from impost. Mr. W. proposed to bring back the land revenue, and thus diminish this amount by $3,000,000. He trusted he had succeeded in showing before that $2,000,000 more of the amount, as a mere treasury balance, was unnecessary, and must have been included under a misapprehension, inasmuch as the whole argument of the honorable Senator was based upon the assumption of $22,000,000 as the standard for ordinary expenditure. These deductions would bring down his necessity for impost to $21,000,000 per annum; and inasmuch as the actual ordinary expenditures of the year 1840 were brought down to about twenty-two and one-third millions, and it was admitted on all hands that the work of retrenchment from the extravagances of the period of a surplus revenue had been scarcely more than commenced, he must think the standard of the honorable Senator of $22,000,000 for the ordinary expenses of an economical administration much too high. He did not know that these considerations ought to induce the belief that a rate of duty of twenty per cent would produce a sum which, added to the land revenue, would be sufficient to meet the expenditures of an economical administration; but he was compelled to say that the honorable Senator had failed to prove to the satisfaction of his mind that that rate would *not* be sufficient, aided by the proceeds of the lands.

"It was unsafe, too, in his judgment, to adjust a tariff, intended to be permanent, upon calculations as to the importations of 1841 and 1842 alone — the two years, in all human probability, of the greatest depression in a period of depression hitherto unexampled in a time of peace. The result of an adjustment upon such a basis would be almost certain to be an early excess of revenue again, and consequent extravagance of expenditure, accumulation of surpluses, derangement of business, distribution, and another depression. And, next to a hopeless debt, a repeti-

tion of these events, now so fresh in the memory of all, was to be studiously avoided.

"Mr. W. had now reached the fifth resolution of the honorable Senator, and he considered that the key to unlock all that preceded it, — the hinge upon which the whole action upon the first five resolutions must and would turn. It was in the following language:

"'5. *Resolved*, That the provision in the act of the extra session for the distribution of the proceeds of the public lands, requiring the operation of that act to be suspended, in the contingency of a higher rate of duty than twenty per cent, ought to be repealed.'

"This resolution opens the policy which it seems to be the object of the whole series to call upon the Senate to sanction, viz., the policy and expediency of DISTRIBUTION, regardless of the state of the treasury, the means of the treasury, the power to raise revenue or the condition of public credit. No proposition of higher importance could well be presented to the Senate, and the questions which demand deep and careful consideration, before it is decided, are of vital interest to the people, to the government and to the existence of our institutions. Among them are the following:

"1. The constitutionality of exercising the taxing power of this government to raise money for State expenditure.

"2. The necessary influences upon both the State and the national government of the establishment of the policy of distribution, and the consequent exercise of the federal taxing power to raise money for the States.

"3. The influence of this policy especially upon the expenditures of this government for objects purely national, such as the army, the navy, public defenses, the administration of justice and the like.

"4. The necessary influence of the policy upon the public credit of the United States.

"These points Mr. W. would consider in their order, and

"1. The constitutionality of exercising the taxing power of this government to raise money for State expenditure.

"The time had been when this *fact* was matter of dispute, and when it was contended that the proceeds of the sales of the

public lands might be distributed to the States without drawing after it the consequence of imposing new taxes for the support of this government. At a former session of Congress he had consumed the time of the Senate in making a labored speech, the almost entire object of which was to establish this fact: To prove that the distribution of the proceeds of the lands would be, in effect, to distribute the revenue from impost. And at that time he had supposed, if he could establish that position to the satisfaction of all, the distribution policy would be abandoned by all.

"This fact was undisputed, was admitted by all, so that any necessity for a repetition of his former labor, up to this point, was wholly superseded. Now the treasury was in want, with all the means which the revenue from the lands and the customs would bring into it. No one, therefore, pretended to deny that, if the revenue from the lands should be taken away for distribution, instant new taxes must be imposed to supply the deficiency thus occasioned. This was a consequence of the present distribution, universally conceded.

"He was not, however, compelled to resort to this consequential testimony to establish this *fact*. The honorable mover of the resolutions [Mr. Clay] had upon a late occasion, with his accustomed frankness, declared in his place that the real question presented was, whether we should compel the States to resort to their power of direct taxation to meet their present embarrassments and wants, or should exercise, ourselves, our more mild power of incidental or indirect taxation to accomplish the same object; and, thus stating the question, he urged the exercise of our power for the States, instead of their exercise of their own power for themselves. This put the question of *fact* at rest.

"How was it, then, with the question of *power* on our part? The Constitution of the United States, article 1, section 8, says: 'The Congress shall have power to lay and collect taxes, duties, imposts and excises, *to pay the debts, and provide for the common defense and general welfare of the United States.*'

"This is the power granted to Congress by the Constitution, 'to lay and collect taxes, duties, imposts and excises;' and these are the objects for which money may be so collected from the people,

viz., to pay the debts of the United States; to provide for the common defense of the United States; to provide for the general welfare of the United States. To distribute money from the treasury of the Union to the separate States, as a gratuity, is certainly not applying it to the payment of the *debts* of the *United* States. It is not using it to provide for the common defense of the *United* States. Does such a disposition of the money, then, come within the power 'to provide for the general welfare of the *United States?*' If not, the Constitution does not authorize such an application of the money of the Union. If it does come within this power, then any object of State expenditure, directed by the Legislature of a State, is an expenditure to provide for the general welfare of the United States, and Congress can direct the payment from the national treasury; for the expenditure of the proceeds of the sales of the public lands, directed to be distributed to the States by the law of Congress named in this resolution, is left entirely to the will of the State Legislatures. It may be applied to the existing debts of the States, to the construction of internal improvements within them, to the promotion of education, and such like objects, or it may be expended in defraying the current and ordinary expenses of their governments, or to meet any other appropriation their respective Legislatures may choose to make for any object whatever. He certainly will not deserve the sobriquet of 'abstractionist,' in constitutional construction, who is able to satisfy his mind that money thus disposed of by Congress is money expended 'to provide for the general welfare of the United States.'

"Mr. W. was aware that the demonstrative force of this argument had been attempted, upon former occasions, to be avoided, by contending for a distinction, as to the power of application, between money in the treasury being the proceeds of the land sales, and money derived from taxes, duties, imposts and excises; and that this distinction was sought to be sustained upon the following grounds:

"1. That the lands were ceded by several of the States to the United States for no valuable consideration, and therefore the proceeds ought equitably to be returned to them, or the lands be specifically reconveyed.

"2. That the cessions of the States were made for a specific purpose, viz., the payment of the debt of the Revolution, and that debt having been fully paid, the lands should revert, and, if still held by the United States, should be considered as held merely in trust for the States.

"The fact that but a very small fraction of the lands now held by the United States, and remaining unsold, are within the bounds of the territory ceded by the States, and that more than nine-tenths, and probably nineteen-twentieths of the whole are the lands purchased by the United States from France and Spain, under the Louisiana and Florida treaties, and paid for out of the public treasury of the United States, and from revenue raised from taxes imposed and collected under the authority of the United States, has been so effectual an answer to these positions as almost to have withdrawn them from the recent arguments in favor of this policy of distribution.

"And since it has been conclusively shown, from authentic public records, that the lands, unaided by the revenues derived from impost, would never have paid the Revolutionary debt, if indeed they would, up to this period, have defrayed the expenses incurred simply on their own account; that that debt is now annually being paid from the treasury of the Union, in the shape of Revolutionary pensions, in amounts quite equal to the ordinary proceeds of the lands; and that the deeds of cession merely conveyed the sovereignty over the territory, and the right to purchase the Indian title, that being all the States held and could convey, all which they did convey in full and absolute property, without reservation or condition, other than that the lands should be a common fund from which every State then in existence, and every State which should be thereafter formed, should derive a benefit in proportion to the share of such State in the general charge and expenditure of the common government, these positions seem to be effectively abandoned, and the same conclusion as to the constitutional power of Congress to make the distribution is attempted to be sustained upon another ground altogether.

"It is now assumed and contended that the Constitution itself, in the second clause of the third section of the fourth

article, has expressly conferred the power. The clause of the Constitution here referred to is in the following words:

"'The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.'

"If the power here conferred upon Congress,'to dispose of' the territory or other property belonging to the United States, extends any further than a power *to dispose of* 'to pay the debts and provide for the common defense and general welfare of the United States,' as Mr. W. insisted it did not, then it was a power wholly without constitutional limit or restriction; and the open and unrestrained discretion and will of Congress must be held to be the constitutional rule for the disposition of all the *territory* and all the *other property* belonging to the United States. For, if gentlemen were prepared to assume this broad and open rule of construction as to the 'territory,' the *lands*, they must not forget or overlook the fact that the text of the Constitution puts all 'other property belonging to the United States' upon the same footing, and grants precisely the same power over it as over the *territory*. The grant of power is *to dispose* of 'the *territory* and *other property* belonging to the United States: To *make all needful rules and regulations respecting the territory* and *other property* belonging to the United States.' It was impossible to separate the application of the grant, so as to give it a different scope and force, when applied to the 'territory,' from what it must also receive when applied to 'the other property.' Both were included in the same clause, surrounded by the same language, and constitutionally subject to the same disposition.

"If this construction of our powers is now to be adopted, we must resort to a new reading of the first clause of the eighth section of the first article of the Constitution, before referred to, as the power of Congress will no longer be 'to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States,' as our old-fashioned fathers have supposed, but it will be to lay and collect taxes, duties, imposts and excises, that the

money thus drawn from the people may be *disposed of* according to the discretion and pleasure of Congress.

"Another power in the Constitution has been referred to as illustrative of the absence of limitation to many of the most important of those powers. It is to be found in the second clause of the eighth section of the first article, and in the following words:

"'The Congress shall have power—to borrow money on the credit of the United States."

"Here, it is said, is a most important power expressly conferred, and wholly without limitation, restriction or condition. Is it so by fair construction and interpretation? The power to lay and collect taxes is expressly conferred to pay the debts contracted by borrowing money on the credit of the United States; and will any one seriously contend that Congress possesses a constitutional power over the disposition of the money borrowed, which it would not possess over the money collected from taxes to pay the debt? That would be to contend that Congress may extend the scope of its powers of expenditure by making loans; that it can do indirectly what it cannot do directly; that it may apply borrowed money to objects upon or for which the Constitution prohibits the direct application of the avails of a tax, and yet that it has the express authority of that same Constitution for imposing a tax to repay that borrowed money. Will such palpable evasions be insisted upon as provisions of our glorious Constitution?

"Is it asked, then, for what purposes Congress can constitutionally borrow money on the credit of the United States? Mr. W. thought the answer was plain and irresistible from the language of the clause next preceding that which confers the power to borrow. That answer is, 'to pay the debts and provide for the common defense and general welfare of the United States.' If this be not the true reading, then, indeed, there is no other limitation, to this power also, than the discretion and pleasure of Congress; and when that came to be the construction of the constitutional powers of the Legislature over the money and property and credit of the nation, we may cease to talk of limi-

tations and restrictions under our system, and prepare our knees to bend, and our heads to bow, to 'the supremacy of Parliament.'

"Still another position has been sometimes assumed to avoid the conclusion here expressed, and which seems to follow almost irresistibly from the provisions of the Constitution quoted. It is that *money* is not *property* in the sense in which that term is used in the third section of the fourth article of the Constitution, before referred to, and that the power there conferred,' to dispose of and make all needful rules and regulations respecting the *territory* and other *property* belonging to the United States,' does not, and was not intended to, confer power over the *money* of the United States, but only over the land, the buildings, the forts, the ships, and the like *property*. If this position be sound, the argument is at an end as to any power derived under this provision of the Constitution to make the distribution proposed to be made to the States, because that proposition is to distribute *money*, not lands or any *other property;* the 'proceeds' of the lands, not the lands themselves, and those proceeds are to be first made *money* in the national treasury, and to be drawn from them by the States in *money*.

"This simple answer to the proposition can scarcely fail to show its fallacy, because the proposition thus carried out to its consequences would admit that Congress might constitutionally give the lands, but could not give the money for which the lands should sell. So, also, in relation to the other branch of the proposition, the 'other property,' the doctrine would be that Congress could not give the money from the treasury in distribution, but it could purchase the 'other property' with the money, and distribute it when so purchased. Or, if it should be so insisted, as it doubtless would be, that the 'proceeds' of the land and other property could be constitutionally distributed as well as the property itself, then this new constitutional doctrine would be that Congress cannot take the money in the treasury derived from impost and distribute it, but that it can take that same money and purchase the land, as in the cases of Louisiana and Florida it has done, or purchase any 'other property' with the money, and then again sell the land or other property purchased, and distribute 'the proceeds,' the *money* received for it. Will any

man contend that the Constitution of the United States forces the Congress of the United States to such miserable shifts and devices to enable it to perform its constitutional duties to the States and the people? Is it not rather when we undertake to perform acts, and to exercise powers, to which the Constitution is a stranger, that we find ourselves in these labyrinths of inconsistencies and contradictions?

"Mr. W. thought these were views which demanded the most solemn consideration and reflection from the members of the Senate. It was possible his views were mistaken; and he grieved to say that, whether mistaken or not, he was but too conscious that the majority of the body he was addressing believed them to be so.

"Under this conviction he was forced to examine this exercise of the taxing power of this government as a question of expediency; and in this aspect its intrinsic importance would not be found to be diminished. In the order of inquiry he had proposed he would consider—

"2. The necessary influences upon both the State and national governments of the establishment of the policy of distribution, and the consequent exercise of the federal taxing power to raise money for the States.

"To lay and collect taxes is an odious exercise of power in a popular sense, and one which no people would quietly bear but for collateral consideration arising either from the necessity of the tax as a measure of revenue, or from some anticipated consequential benefit to be derived from a particular tax imposed upon a specified interest or description of property. On the other hand, the expenditure of public money is ordinarily a popular exercise of powers, and especially in the locality where the expenditure is to be made. These two powers are ordinarily reposed in the same hands, are most usually exercised in combination with each other, and the very theory of government, so far as they are concerned, is that the oppressive charactor of the first, in its influence upon those who are the subjects of taxation, is to be neutralized by the benignant character of the second in the influence which its proper and just and equal exercise cannot fail to produce. The policy of distribution is to separate these

powers and devolve the exercise of each upon different and distinct legislative bodies, acted upon by different and in many cases conflicting interests and influences, and acting under widely different responsibilities. Under this policy the Congress is to be the *taxing* Legislature, while the Legislatures of the States are to hold the *appropriating* power, and thus the checks and balances of governmental power are, in these most essential particulars, to be destroyed. The passion, on the part of the State Legislatures, to expend is no longer to be restrained by their fears to tax; and a direct and instant conflict is thus invited between the excessive exercise of an odious power here, and any restraint upon the indulgent exercise of a beneficent power there. Which of the parties will prevail in such a conflict? Look at the constitution of this body; it stands upon the State Legislatures. Our commissions are from those high bodies, and many of the members of the Senate conscientiously believe in the duty of obedience to instructions given from them to the Senators of their appointment. The will of the Legislature of each State, then, will be law to the Senators from the State upon a subject of this description. Here, therefore, the result of the conflict cannot be doubtful. How will it be in the other branch of Congress? There the Representatives hold their places, not by an election from the Legislature, but the people of their State, and from the same people who elect the popular branch, at least, of the State Legislature. The representatives in the popular branch of the respective State Legislatures, however, are in numbers, compared with the Representatives of the same people in the House of Representatives, as from three or four in some States, to forty or more in others, to one; and the representative in the State Legislature, representing a much smaller district or territory and performing all his official service within the State, is much nearer the people, much more with them, and enjoys much greater opportunities to make his acts acceptable to the constituent body, and to impress upon them favorable views of his policy, than does the Representative in Congress. Suppose, then, a local expenditure, confined to a single congressional district, to be the object, and the members of the State Legislature from that district urge upon the common constituency the benefits and advantages to

them of the expenditure, and their anxiety to appropriate and apply the money, provided their Representative in Congress can be persuaded to vote the tax to raise it. Suppose the Representative in Congress finds it in his power to be present, and, in answer to this appeal from his co-representatives in the Legislature, he attempts to show the common constituency, what the fact really would be if equality in the taxation and distribution should be preserved, that were he to succeed in inducing Congress to impose the tax, it would be upon them and them alone it would be imposed; that the effect of the policy would be to compel them first to put their hands in their own pockets and pay this money to the tax collector, and that, in the progress of time, after the lapse of a year, perhaps, the money they had thus paid would come back to them to meet their favorite local expenditure, diminished by the amount of the fees of that collector, and such other expenses as might be attendant upon its collection, safe-keeping and return. How soon would this honest, truth-telling representative be answered by his popularity-seeking opponents, that not their limited constituency alone, but all the people of the whole Union must share in the tax, while they alone would enjoy the benefit and blessings to flow from the expenditure of the money? How readily would the reply be made that the tax is merely voluntary, and he who should not choose to consume foreign imported goods would not be compelled to pay a cent, while the rich and luxurious were the peculiar objects of the taxation? And how confidently, and in many instances triumphantly, would this fallacy be urged upon those who were daily paying an onerous tax upon the very salt which must season their humble food, and who would thus be made humble petitioners for an increase of the burden? What would avail the ablest efforts of the single-handed member of Congress, under circumstances like this, whether opposed by three, or four, or by forty members of the Legislature of his State, all seeking to make themselves acceptable to the common constituency, and to perpetuate their offices and their power, by the promises and the expenditure of money not raised, or to be raised, by taxation from their hands?

"Extend the supposed case to a whole State, influenced by the desire for some particular local expenditure co-extensive with its

limits — to a whole section of the Union similarly affected by a particular class of expenditure — to the States now, or at any future period, struggling against a load of debt contracted for expenditures of whatever character within their respective limits, or upon liabilities however incurred, and who can fail to see that the same results may be anticipated, and that the taxing power of Congress must and will be invoked to an extent only to be measured by the endurance of the tax-payers or the continuance of a foreign trade? That such effects should follow from the separation of these important powers of government, and the exercise of each respectively by independent hands and under independent influences, is as natural as that the most perfect machine of human invention should run wild and defeat its object and destroy itself, when the proper checks and balances upon the different parts are wholly removed, or their appropriate powers and influences entirely reversed.

"This mode of raising money for the State can never make taxation and expenditure equal between the different States and sections of the Union. The tax is upon the foreign importations of the country. They principally come into the country at a few points, and are distributed according to the course of trade over our broad land. The duties are first paid, or secured to be paid, at the place of importation; are then charged by the importing merchant as a part of the cost, and the purchaser for consumption pays the duty as a part of the price of the goods he purchases, whether it be at New York, the principal point of importation, or at the most remote point in the Union where a retail merchant of foreign goods is located, or a traveling peddler of such goods finds his way. Take, then, the map of the United States. Look at the facilities for communication with, and transportation to, the different sections. Examine the statistics of the country as to population and wealth, and the means and inducements to purchase foreign goods, and see whether these elements warrant the presumption that the distribution of the avails of a tax upon the single one of population will restore to each tax-payer the money he has paid, with only the deduction of the costs and charges of collection. It never can be so. The pecuniary condition of the different sections of the country, the habits and

manners and fashions, as well as the tastes and inclinations, will make the most essential differences in the consumption of foreign goods between portions of the population numerically equal. The exercise of the federal power of taxation in the form of impost, therefore, to raise money to be distributed to the States according to population, can never produce an equality between those who pay the tax and those who receive the avails. The action of such a system cannot fail to be unequal, and must therefore be unjust.

"Another view will exhibit a greater inequality in the working of the system. The different sections of the Union follow different employments, and have essentially different interests to be affected by any tax upon importations. Yet all will yield to such impositions of this character as the necessities of the government require. Depart from that standard, however, and commence to impose these taxes for State expenditure, and the inequality and injustice become most manifest. The federal government is the government of all, and must be supported by all; and whatever portion of the revenue necessary for that support it shall be thought politic to draw from a tax upon imports must be paid by all, however unequally that tax may bear upon the different States and sections of the country. Not so with the State governments. They are the institutions of the States themselves; of the particular people subject to each, and their revenues and their expenditures should be equally a matter with themselves. The objects for taxation, like the objects for expenditure, should be selected by each, and borne and enjoyed by its own people. These principles are so plain and so just, that the simple statement of them, it would seem, must command the assent of every American heart.

"Bring in, then, the federal power of taxation, and exert that power upon the foreign imports, to raise money for State expenditure, and where will be the equality or justice? One State will consider the tax a direct benefit to its peculiar interests, because it will protect them against foreign competition, and to that State its distributive share of the money derived from the tax will be but an incidental consideration to the advantage anticipated from the influence of the tax upon its domestic interests.

Another State will look upon that same tax as directly calculated to destroy the market abroad for its principal staple, and therefore threatening to its peculiar interests a direct injury, infinitely beyond the mere contribution in money which the tax calls for; and to such a State the distribution of its share of the proceeds of the tax, after the expenses of collection and distribution shall have been deducted, will seem rather an insult than a compensation for the injustice inflicted upon it. Can the most sanguine advocate for the policy of distribution fail to see that these conflicting interests and influences and feelings must surround the practical operation of the system?

"Bring these jarring elements into action in the halls of Congress, and set them to selecting the descriptions of property, the articles of import, upon which a tax for distribution shall be assessed. See the Representatives from each State struggling to secure the highest attainable tax upon such imports as came in competition with its domestic interests, and to discharge from the tax such other articles as its citizens do not grow, or manufacture, and must purchase. Let the scramble go on until a combination of interests can be formed sufficiently extensive to control a majority of the votes of the two Houses, and then witness the character of the taxation which will be imposed to raise money for an equal distribution throughout the whole Union. Who can contemplate a course of action thus induced, and hope that our institutions can long endure the conflicts which will be engendered?

"A variety of opinions were entertained, and had been expressed, as to the ultimate termination of such a policy, by those who equally agree that it must be an entire subversion, or radical change in the form of our government; one class contending that consolidation, another that dissolution of the Union, and a third that perfect anarchy would be the fruit to be realized from a measure so dangerous. To Mr. W. it was very plain that the final termination of this suicidal policy must be ruin in some form, and ruin so effectual to the peace and strength and liberties of the country as to render its precise form a matter of secondary interest. The intermediate steps would be most likely to decide the character of the catastrophe. If the States were continued the appro-

priating bodies, while this government was forced to exercise the taxing power, as at present proposed, the ruin must commence here. This government must fall, and that speedily, under such a system. If, on the contrary, Congress, from a short experience, should see its own speedy dissolution, and feel the seeds of its own destruction, in the prosecution of that unnatural course, and should resume the direction of the expenditures, and proceed to exercise that right in conjunction with the taxing power, then consolidation would be the unavoidable result of the quiet acquiescence of the States.

"Is there the possibility of mistake in these conclusions? Look at the condition of the States at this moment. To-day, resolutions from the Legislature of one State are laid upon our tables, pressing Congress to pursue this policy of distribution. To-morrow, resolutions from the Legislature of another State come, refusing to accept its distributive share of the money, throwing back our proffered boon into our faces, and repudiating the policy as unconstitutional, unequal and unjust. Does this look like peace and harmony and prosperity under this new system, when yet the first step under it has not been taken?

"Mr. W. could not omit, in this connection, to throw out another idea inseparable from this disposition of the public money. We were constantly referred to the deep indebtedness of a large proportion of the States, and to their urgent want of means to prosecute their works of internal improvement, as the justification for the distribution proposed; and it was doubtless intended by the friends of the measure that the money should have those applications. Most of the State debts had been contracted for the construction of railroads and canals, works peculiarly beneficial to the property holders of the States, as enhancing the value of the property held by them. This had been the prominent inducement for the commencement and prosecution of the most of those works in the several States, and the debts had been incurred, and made a charge upon that property, upon the ground that its enhanced value would enable it to discharge the incumbrance, and still receive benefit from the operation. All this was fair and just, because the benefits and the burdens were made to go together. Adopt the policy now

proposed, and we change the debt from the property to the persons within the State. By providing for the payment in the way of taxes upon the consumers of imported goods, we, to a very great extent, tax the rich and the poor equally. All must be clothed and fed; and by changing the tax to pay the State debt from the land and other taxable property of the State to the mere articles of foreign importation, which enter more or less into the clothing and the food of every individual of our country, we force an almost equality of tax upon all, without regard to the possession of property, while the essential benefits of the expenditure are almost in the direct ratio of property. Thus, while, in the capacity of the national Legislature, we venture upon the exercise of a most questionable power, to use no stronger language, for the avowed object of relieving the States, we in truth and in fact do no more than to interfere and impose a most unequal and unjust tax upon their respective citizens to pay those debts which the property of each State ought to pay.

"The honorable Senator from Kentucky [Mr. Clay], upon a late occasion, when speaking of this distribution, introduced the comparison of a kind parent dispensing portions of his income, and of the property he had accumulated, to aid, encourage and relieve his needy and embarrassed children; forgetting, as the honorable gentleman must have done at the moment, that this government, which represents his supposed parent, so far from having income or estate to spare in aid of the States, is now in extreme want, and, being wholly unable to supply itself from its means or its credit, is daily threatening with further taxation all the people of all the States to fill its empty treasury. Mr. W. would make the comparison of the honorable Senator according to the facts. The parent, finding his estate to be wholly insufficient to meet his current expenses, and that his credit has failed to be a resource for the deficiency, generously offers the estate to his children, provided they will consent to an annual tax so far beyond its value as to be equal to all his expenses and enable him to live at his ease. This is the case, as the facts present it; and will the honorable gentleman so present it to the States of the Union when he, in the name of this common government, offers to them the boon of his proposed distribution? Will the

Legislatures of the States and the Governors of the States, when their respective agents shall return from the exhausted federal treasury with this humble pittance, and when they shall present it to the people they represent, tell that people, honestly and truly, that for every dollar so obtained they must pay back in taxes another dollar, over and above the charges for collecting the tax? Will they tell them further that, while the dollar received is to be applied toward the payment of a debt now charged upon the property of the rich, or to make a canal or rail-road to benefit his property, the dollar to be returned is to be taken in nearly equal proportions from the pockets of all who are able to command the ordinary comforts of life generally enjoyed in our country? If they do, the real merits of this new policy will be universally understood, and cannot, in that case, fail to be justly appreciated by an intelligent people.

"3. The influences of this policy, especially upon the expenditures of this government for objects purely national, such as the army, the navy, public defenses, the administration of justice and the like, should now receive a brief consideration.

"The natural and necessary tendency of this policy must be to produce a constant conflict between the wants of the States and the wants of this government. Both are to be presented at the same treasury and to be met from the same general resources, or from the exertion of the same body to raise revenue. Take the present time, and the present condition of things in regard to the revenues and the wants of both governments, as one most favorable for the illustration. Many of the States are deeply indebted, their treasuries empty, their revenues wholly insufficient to meet their ordinary expenses and pay the interest upon their debts, and their public works are arrested in an incomplete and unproductive state. This government is in a defenseless state, its army too small, its navy but commenced, its judicial system covering but a part of its settled territory, its harbors not touched or but partly improved so as to give security to commerce, its debt increasing, its treasury empty, its credit depressed, its foreign relations presenting a threatening aspect, and its revenues, all together, insufficient to meet the interest of its debt and the expenditures called for by those intrusted with the administra-

tion of its affairs. In this pecuniary condition of both governments, the State and the national, this policy of distribution is proposed to relieve the States. It is adopted, subject to certain limitations. The avails of one great branch of the national revenue are to be taken from the national treasury and given to the States, provided the other, at a certain rate of tax, will meet the wants of this government. A few months pass away, and, before the time fixed in the law for the distribution principle to commence its action, the fact becomes manifest, beyond doubt or question, that the branch of revenue left for the use of this government, pushed to the extreme limit allowed by the distribution law, will not meet the indispensable wants of the national treasury, and that both branches of that revenue, together, cannot supply the expenditure proposed by the administration.

"Here the conflict begins. The distribution is insisted on in the face of these facts, and the resolution now under consideration is presented, boldly removing the only remaining condition attached to the distribution — that of a certain supply for the national treasury — and thus providing certainly for the States to the extent of this entire branch of the national revenues, leaving the national wants to be supplied as they may by future legislation, or not to be supplied at all. Such are the first steps proposed in this new policy, and can we ask stronger evidences to show us where and how it must result?

"Suppose this resolution do not pass, and that the present limitation on the distribution be not removed? Will not the friends of the policy, as a natural consequence, be induced to make an effort to force the expenditures of this government within the limitation, at whatever hazard to the great interests of the nation, so that the appetite already created for the distribution, and the promises of relief and of benefit held out from it, may not be disappointed? Mr. W. was not authorized to say, nor did he say, that this effort would be made, but such was the natural tendency, and one of the necessary influences flowing from the unnatural policy.

"He desired to trace the natural tendencies of this proposed system one step further. Suppose this resolution do pass and the limitation resting upon the present distribution law be

removed. All know that the distributive shares of the proceeds of the lands to the deeply indebted States will be wholly insufficient to relieve their present pressing wants and restore their credit. Is the policy, if once adopted, necessarily limited to the land revenue? Certainly not. He trusted he had shown that the constitutional power of Congress over that, and over all other portions of the public revenue, was the same, was identical. Some States, as it is well known, favor this policy because they believe a consequence of it will be high duties and a resulting protection to their peculiar interests. Others favor it because their present condition demands pecuniary aid, and their State Legislatures are unwilling to impose taxes. Let, then, the distribution of the land revenue be made, and its inadequacy be seen and felt by the indebted States, and let the States which desire the policy for the sake of the protection at the same time see that the adjustment of a tariff of duties, with a view simply to meet the expenses of the national government from impost alone, is not likely to raise the duties upon certain articles of their growth, or production, as high as they believe would best subserve their interests; and how easy will it be to propose special legislation as to certain great and leading articles, such for example as the manufactures of cotton and wool and iron, to raise the duty upon them above the general rates so as to meet the wishes of the protected interests, and to set apart the revenue to be derived from the importation of these articles to be added to the fund for distribulion to serve the interests of the indebted States? Are not such combinations of interests strongly invited by this dangerous policy? And who can look at the condition of those States which are not benefited by the protective policy, which are not oppressed with debt, and the great interests of which are directly injured and oppressed by the taxes to be imposed, and not tremble for the peace of the country and the integrity of the Union, when the combinations of interest thus invited shall become formed and shall commence to carry out this policy under such impulses?

"There is another aspect in which the subject is to be viewed under this head, in relation to which we are not wholly without experience. It will be remembered that the excesses of revenue

accumulating from 1833 to 1836 inclusive, engendered this appetite for distribution in another form, confined to what was denominated 'the surplus revenue.' Stimulated by the condition of the treasury, the appropriations made by the Congress of 1835–36 were, as has been already seen, enormously large, entirely extravagant, and yet millions upon millions of money in the treasury were unexpended. A distribution to the States of 'the surplus' was resolved upon, and immediately the enlargement of appropriations ceased; and when the distribution bill came to be framed. proposing to distribute the surplus which should be found in the treasury on the 1st of January, 1837, those who opposed the policy, so far from being able to secure the reservation of an amount sufficient to meet the outstanding appropriations unexpended on that day, could only be allowed $5,000,000, although it was known and universally admitted at the time that the balance of unexpended appropriations must be more than double that sum, and it proved to be in fact more than $16,000,000. This, so far as the legislation dictated by the passion for distribution was concerned, was leaving the treasury, on the 1st of January, 1837, with $5,000,000 of cash means and more than $16,000,000 of unpaid appropriations.

"Mr. W. would pass to the next year, and see what were the practical fruits of this appetite upon the necessary appropriations for expenditure for that year. The annual bill making appropriations for the fortifications of the country, a bill always greatly favored, came up for consideration in another body, and a clause was added to it providing for a second distribution of surplus as should be in the treasury on the 1st of January, 1838, over and above $5,000,000; and wholly without regard to the amount of appropriations which might be outstanding and unexpended on that day, and which all perfectly understood must be more than twice $5,000,000. This proposition for a second distribution of 'surplus revenue' came to this body, fastened upon not simply one of the ordinary appropriation bills, but upon one of the most universally favored of those bills; not as an independent and manly proposition again to distribute an existing surplus, but as a *condition* upon which a favored appropriation bill, for an expenditure most vital to the security of the country, in

case of war, could be passed. The proposition was then, as now, not for the distribution of a known and existing, or certain, 'surplus;' but for the mere contingency of a possible surplus more than three-quarters of a year forward of the time of the action. That proposition did not prevail, through the firmness and patriotism of this body, but the fortification bill was made a sacrifice to its *manes*, and not a dollar was appropriated, during that session of Congress, and at that period of abundant means in the treasury, for this class of the defenses of the country, because the Senate would not agree to the perpetuation of this policy, as a condition of the grant of *such* a favor from the constitutional representatives of this common government.

"A single remark further, under this head, and he would dismiss this topic. What is the present condition of the treasury, and what has it been for the last six weeks to two months, in regard to the distribution bill of the extra session? Suppose the lands produce a revenue equal to $3,000,000 per annum, the common and almost universal estimate; then, in strict legal effect, $250,000 of money per month, since the first day of January last, have been locked up to await the action of this bill on the first of July next; and, in the meantime, for a large portion of that period, as rumor within this capital has told us, not a warrant could be drawn upon the treasury of the nation, because there were not means in that treasury to meet the call. Even the members of Congress themselves, though the appropriation was early and abundantly made, were said not to have been able to obtain their pay to a sufficient extent to settle their board bills. He did not speak from personal knowledge upon this subject, for it happened to be his good fortune not to be under the necessity of calling upon the public treasury during this period of its reported suspension of payment. How was that treasury able to answer calls now? By money from the revenues of the country? No, but upon credit; by the emission of treasury notes — promises to pay in future — and promises which we are daily told by the friends of the administration are not equal to *money* in the market, but at a discount for money. And yet we are urged to lock up and keep in reserve, for the States, $250,000 per month, which is *money*, the avails of our rich public domain! Such are some

of the consequences of this new policy which cannot fail to exert their influence upon the constitutional expenditures of this government for objects purely national.

"4. Mr. W. would now proceed to consider, briefly as he might, the necessary influences of this policy upon the public credit of the United States.

"The first consideration which strikes the mind, in reflecting upon the effect of this distributive policy in this aspect, is the influence which must necessarily be produced upon capitalists everywhere, and more especially upon the minds and feelings and confidence of foreign capitalists, when they see the federal government, at a time of the deepest embarrassment in its financial affairs, under a threatening aspect of its foreign relations, its treasury empty, and its credit depressed, giving away the income of its immense domain; that great and sufficient pledge which was made by the old Congress for the payment of the Revolutionary debt; which was made for the payment of the interest and redemption of the principal of the treasury notes issued during and subsequent to the late war; and which has ever remained, during the existence of our constitutional government, an ample guarantee of our ability to pay our obligations, and recently a fruitful source of means for their payment; and then, in a time of profound peace, tendering our securities in the market, without even the form of a pledge of any specific fund out of which either interest or principal could be paid. The influence thus, in fact, produced, is not now matter of opinion or conjecture. It has become matter of history since the passage of the distribution bill. Our six per cent stocks cannot be sold at par. They are returned upon our hands, not from being offered in our own markets simply, but in the markets of Europe also. Our six per cent treasury notes, too, are sinking in our own markets, and becoming less desirable securities to capitalists and business men than the notes of our specie-paying banks.

"Why is this? Not because the volume of that paper has been increased, because it has not been increased in fact. The amount of treasury notes now outstanding is not very different from that which has been outstanding for a considerable portion of the time since the year 1837, and yet until now, just complaint

has not been made that a payment in them was not equivalent to a payment in money. Why, then, Mr. W. would again ask, is this influence upon our public credit manifested at this time? The answer seemed to him to be most plain and simple. Our policy, as manifested to the world, is to give away what we have which is certain, to borrow for the immediate deficiency thus produced, and to trust to incidental taxation not yet imposed, and only to be imposed upon an uncertain and fluctuating trade, to redeem our promises and sustain our credit.

"Mr. W. said gentlemen might suppose these mere opinions of his own, theoretically formed. They were not so solely, but he had already facts to rest them upon. A correspondent in New York had transmitted to him an extract of a most sensible letter from capitalists in Holland, who had already made investments in American securities. It showed a minute understanding on the part of those sagacious gentlemen, between cause and effect, in these matters of credit here, which, he regretted to believe, were much too limitedly known, and much too little appreciated, by ourselves. Senators must not forget that money-lenders are the most cautious of men — that they watch the policy and providence of those to whom they give credit; and that confidence in them, once wounded, is a sickly plant, and can only be restored to vigor and health again, by the most careful and faithful culture, and the most active and substantial nutriment. The letter to which he referred, and which he did not feel at liberty to exhibit thus publicly, showed that this wound had been given to the confidence of the money-lenders of Holland, so far as American securities were concerned; and how would that sickly confidence be affected by this action? What would be thought of an individual who, being in want of money, should give away his estate, and then offer his notes in the market to raise the means for the payment of his debt, and his future support? Precisely what must be thought of this government by all foreign capitalists, in the judgment of Mr. W., if we should pass this resolution, and thus adhere to this plan of distributing the proceeds of the public lands, regardless of the present state of the public treasury, and then seek to borrow money on the credit of the

United States, without any pledge for the payment of interest or principal, to meet our public expenditures.

"Another fact had been recently stated to him, which would confirm these conclusions. A gentleman of the highest respectability, from his State, had told him that he had recently received an order for the investment of an amount of European funds for private account, with express instructions from his correspondent to make the investment in the stocks of the United States in case a fund for the payment of the interest should be set apart and pledged by Congress for that particular application, and not, otherwise, to invest in those stocks at all.

"Could the policy now proposed to be pursued, in its effects upon the public credit of the nation, be more clearly pointed out than by a fact of this description? Or could any man doubt, at this day and time, that public credit as well as private, to command the confidence of capitalists, must have something more substantial than mere faith to stand upon? For himself, Mr. W. thought the credit of the United States was yet within the power of Congress, but that it could only be placed upon that high and honorable footing which could sustain it unimpaired amidst the ruin which surrounded it by recalling the land fund, and irrevocably pledging it for the payment of the interest and the redemption of the principal of all loans made or to be made, whether in the form of treasury notes or a funded stock debt. Let that be done with the promptness and unanimity which would show that our public credit *must* not be distrusted, and he could not entertain a doubt that our six per cent stocks would meet a ready sale at par, and that our six per cent treasury notes would be willingly received everywhere within the country as an equivalent for money.

"Another view of this policy, in connection with the public credit of the country, had been recently made imperative and important. It had ever been predicted, by the opponents of the policy, that the mere system of distribution, in any form in which it could be practiced, would not go fast enough to meet the wants of the States, or the wishes of the representatives who should adopt this mode of paying their debts and completing their public works. He had been one of those who had sustained

this opinion, but he had not expected so soon to see 'the new impulse' formally and officially proposed for the sanction and approbation of Congress. Yet so it was. He had not a printed copy of the propositions before him, as he had not been able to find them in that form, but he had their substance in one of the public journals of the city. A colleague of the honorable mover of these resolutions, holding a seat in the other branch of Congress, had come forward very far in advance of the honorable Senator's present ground. His propositions were, an immediate emission of $100,000,000 of three per cent stocks of the United States, to be distributed to the States at once, with a pledge of the proceeds of the sales of the public lands for the payment of the interest and the redemption of the principal of this stock; a further emission of three per cent stock to an indefinite amount, supposed to be from $8,000,000 to $12,000,000, to purchase the right to travel the public mail routes and the railroads and canals with the public mail, for the payment of the interest and redemption of the principal of which a certain portion of the revenues of the Post-office department are to be put in pledge; and a further emission of $56,250,000 of public stock — at what rate of interest or how to be redeemed, principal and interest, is not stated — to constitute three-fourths of the capital stock of a new national bank of $75,000,000. Now, this was a proposition to use the public credit to some purpose, and especially at a period when neither six per cent stocks nor six per cent treasury notes could be got off at par, either in our own or the European markets. Still, it was only the movement of a sanguine mind upon the policy of the honorable Senator, to throw the States upon the national treasury for the payment of their debts and the completion of their public improvements. It was, as Mr. W. believed, but foreshadowing the impatience which might be expected to be realized in the public mind if this new system of finance should be permitted to go into operation. It had one feature preferable to the system of the honorable Senator: it proposed to make pledges, in form at least, for the payment of the interest and final redemption of the principal of the stock to be issued.

"In this, the propositions to which he had referred imitated the ancient and sound examples of the Republic. It was not

formerly supposed that the credit of the Union could be sustained upon *confidence* alone ; and when the State of New York commenced her extensive public works, a fund, consisting of the richest and most certain revenues of the State, more than equal to the annual interest upon any loans it was intended to make, was set apart and most solemnly pledged, in addition to all the revenues derivable from the works to be constructed, to meet and extinguish the debt, interest and principal ; and while that policy was adhered to, the credit of that proud and wealthy State remained untarnished. But when that sound policy was departed from, and the talents of her financial officers came to be exerted to find sales for her stocks, not to pay them, her credit, also, sunk beneath the load heaped upon it, unsupported as it was by anything but faith.

"Still, even with this better feature of a pledge of revenues in form, how far these propositions of the honorable colleague of the honorable Senator were calculated, at this time, to increase even confidence in American credits abroad, Mr. W. would leave to the two gentlemen to satisfy the country, declaring his own most deep and solemn convictions, that the propositions of both were alike calculated to strip from that credit the little footing already left for it, by showing that our policy is either to deprive ourselves of the means upon which credits should be extended, or, making a formal pledge of those means, to overtask them at the first step.

"Entertaining these views, Mr. W. had proposed to amend this resolution so as to express what he believed to be the truth, at the time of the passage of the distribution law, and also the conclusion which he thought should be pronounced from the considerations arising out of the question; and he felt the deepest anxiety that the Senate should adopt the amendment, and not, in the face of consequences so fearful, repeal the only restriction remaining upon this dangerous policy. He was glad to see the resolution coming from the quarter it did, for it seemed to him to be a distinct admission that the distribution could not be made without the further action of Congress. He hoped that action would not be obtained, but that the land revenue would be permitted in this quiet way to pass into the treasury, and

would be applied to the pressing wants of the government, and in aid of the sinking credit of the country.

"The resolution, if amended according to his motion, would read as follows:

"'*Resolved*, That the provision in the act of the extra session for the distribution of the proceeds of the public lands, requiring the operation of that act to be suspended in the contingency of a higher rate of duty than twenty per cent, presents the ground upon which only Congress has assented to the distribution of the land revenue to the States, and when it shall appear that the distribution cannot take place consistently with the terms of that provision, it will appear that a state of things exist under which Congress did not intend it should take place at all.'

"The six remaining resolutions of the series relate to a wholly different class of subjects, and look to a reduction of the public expenditures. Although important in their character, they require much less of detail in their examination, and will be much more briefly noticed. The sixth resolution is in the following words:

"'6. *Resolved*, That it is the duty of the government at all times, but more especially in a season such as now exists of general embarrassment and pecuniary distress, to abolish all useless institutions and offices, to curtail all unnecessary expenses, and to practice rigid economy.'

"Mr. W. proposed to make no remark upon this resolution, as he did not propose any change of its form. Its language, he thought, might be improved, but to the general positions assumed in it, at least so far as they concerned the actions of Congress, he took no exceptions.

"The seventh, eighth, ninth and tenth resolutions were in the following language:

"'7. *Resolved*, That the contingent expenses of the two Houses of Congress ought to be greatly reduced; and the mileage of members of Congress ought to be regulated and more clearly defined.

"'8. *Resolved*, That the expenses of the Judicial department of government have, of late years, been greatly increased, and ought to be diminished.

"'9. *Resolved*, That the diplomatic relations of the United States with foreign powers have been unnecessarily extended during the last twelve years, and ought to be reduced.

"'10. *Resolved*, That the franking privilege ought to be further restricted, the abusive use of it restrained and punished, the postage on letters reduced,

the mode of estimating distances more clearly defined and prescribed, and a small addition to postage made on books, pamphlets and packages, transmitted by the mail, to be graduated and increased according to their respective weights.'

"His principal objection to these resolutions was that they were too general in most of their declarations, and did not sufficiently bring the attention of the Senate to specific points of action. Their passage, in their present form, could not, as it seemed to him, afford much aid to the Senate, or give any very useful direction to its committees, when legislation upon the same general subjects should be proposed. He had, therefore, proposed to substitute one resolution for all the four, which he had intended should cover all the ground occupied by these resolutions, embrace some suggestions not found in the originals, and be more specific, where he had found himself able to specify the precise point for action. The following was the substitute he had proposed:

" '*Resolved, therefore*, That Congress is called upon to retrench its expenses, by abridging the duration of the long session; by regulating and more clearly defining the mileage of the members; and by diminishing its contingent expenses, and especially those incurred for stationery, for printing, for the employment of clerks for committees, and for folding printed matter to be transmitted through the mails; and that Congress is also called upon to make retrenchments in the following departments of the public service, viz.: To diminish the expenses of the Judiciary department; to bring the diplomatic relations of the United States within narrower limits, by discontinuing appropriations for charges d'affaires at Naples, Bogota, Caraccas, St. Jago and Lima; to diminish the expenses of foreign intercourse by reducing the appropriations for diplomatic representatives for Prussia and Brazil to the compensation attached to the grade of ministers resident, and for those for Austria and Mexico to the compensation attached to the grade of charge d'affaires; to restrict the franking privilege of members of Congress to letters and other communications in writing only, and those not to exceed the weight of ——; to further limit and more clearly define the franking privilege of deputy postmasters; and to increase and regulate, according to the weight, the charges to be made upon books, pamphlets and other printed packages transmitted through the mails.'

"Ever since he had been a member of the Senate, the great duration of the long sessions had been a matter of universal complaint by all persons and parties, as well in as out of Congress;

and yet those sessions had rather been increasing in length than otherwise, at each successive Congress. He had long been of the opinion, as he now was, that the only effectual way to make the change, without detriment to any public interest, was to fix the day of adjournment at the early part of the session. He had uniformly noticed that more laws were passed at the short session than the long, by every Congress; and he thought he might safely say that more business of every character, talking only excepted, was usually transacted at the short sessions than the long. He knew of no reason for it, except that we assemble at the short session knowing the day when we must adjourn, and we work to it; and that this was the reason, was proved by the fact that very little business was ever completed at the long session, until after the day of adjournment was fixed. He verily believed, if the resolution laid upon the table some weeks since by the honorable Senator from Alabama [Mr. King] should be taken up and passed this day, placing the day of adjournment from four to six weeks distant only, Congress would be as ready to adjourn at the expiration of that time as we shall be at the middle of July, if we continue our session to the middle of June without naming a day for the adjournment. He hoped, therefore, that the Senate would consent to act promptly upon that resolution, and tender to the House an early day for the close of this session.

"He had retained the mention of the mileage of the members of Congress, because he found it in the original resolutions of the honorable Senator; but it was a subject he had not examined, and, therefore, was unable to say whether any, or what abuses existed under that head.

"The contingent expenses of the two Houses of Congress, by the admission of all, call for reduction. These expenses have increased enormously within the last few years, and Mr. W. believed the great and unnecessary increase would be found to have taken place in the four items here enumerated. He did not doubt that great waste had been practiced with the writing paper and other articles of stationery furnished for the desks and rooms of the members, but still he was induced to believe, from what he had seen and what he had heard, that the great article of

expense under this head was the wrapping and folding paper used to envelope the immense masses of printed matter sent off, under the franks of members, through the mails. Upon this point he should have occasion to make further remark, when he came to consider the proposed restriction of the franking privilege.

"The printing was another source of great abuse. He hoped the result would prove that, under the regulation now established in this body upon this point, much of the superfluous printing would be avoided, and yet he had become entirely satisfied that nothing but a right restriction upon the right to frank would bring this expense within proper limits. When we were not permitted to send them off through the mails, free from postage, we should not order printed, at the public expense, the five, ten, twenty or thirty thousand extra copies of public documents; but so long as we could thus send them, the orders for the printing would be very likely to be made.

"The employment of clerks for committees had been frequently carried to great excess, and was, in his judgment, always an expense of a very questionable character as to its utility, except for a committee ordered to examine witnesses and take the testimony in writing. He had performed a fair share of duty upon committees since he had been a member of the Senate, and never had any clerk been employed for a committee of which he had been a member, except committees of investigation. Indeed, in the discharge of his ordinary duties as a member of any of the standing committees of the Senate to which he had belonged, a clerk could have rendered no material assistance, except to have occasionally performed some little copying, which he had always found the permanent clerks in the office of the Secretary of the Senate ready to do promptly and well, upon his mere request. So far as he was acquainted, the employment of clerks for the standing committees of this body had usually followed the urgent solicitation of the Clerk and his friends, and the desire to give employment to a worthy individual had often been a strong secondary inducement to the engagement. He made this remark with no feeling of disrespect to the committee which had given the employment, or to the clerks who had received it, and with

no disposition to cast censure upon either. He had experienced the difficulty of resisting these urgent importunities, and he thought a distinct understanding that the Secretary's office should be looked to exclusively for this service would save both the expense and the feeling.

"The employment of messengers to fold documents and speeches, for transmission through the mail, was another item of expenditure which had grown out of the extensive and liberal use of the franking privilege, and could only be retrenched by its restriction. His observation had induced the belief that full the one-half of the labor of the messengers in the employ of the two Houses was expended in folding these documents, and at some sessions these public servants had been compelled to labor most severely to keep the folding rooms clear. If the documents could not be franked the folding would not be called for, as there were very few of them we should venture to send to our constituents subject to the charge for postage.

"The several appropriation bills would show the rapid increase of the incidental expenses of the Judiciary department. Mr. W. was not sufficiently acquainted with the character of the expenditures, or the manner of accounting for the money by the officers who disburse it, to be able to make particular suggestions in the matter; but the heavy amount of the expenditure, sometimes he believed reaching nearly $500,000 in a year, and usually from $320,000 to $350,000, connected with its rapid increase, seemed to call for examination at least, to see if the amount may not be diminished consistently with the safe administration of justice.

"The rule upon which he had proposed to reduce the expenses of our foreign intercourse, by discontinuing some diplomatic agents and reducing the grade of others, was that of a strict reciprocity. The discontinuances suggested were at places from which there was no diplomatic representative near this government, of any grade; and the reductions were to bring our representatives so proposed to be reduced upon a level in grade with the representatives from those respective governments now in this country. Never having been at all conversant with this matter, he had adopted this rule to present some specific points for the action of the Senate, and he respectfully invoked the

attention of the honorable Senator from Kentucky [Mr. Clay], who had long been familiar with our diplomatic relations, and also the members of the Committee on Foreign Relations of the Senate, to this part of his resolution, giving them and all other members of the body an assurance that he should most cheerfully assent to any alterations, either by way of addition or subtraction, which the interests of the public service or the interests of the treasury should be shown to require. The reduction of expenditure, as the resolution now stood, would, he believed, be $37,500 per annum.

"The extent to which the limitation of the franking privilege should be carried was a question upon which opinions would doubtless differ. He had drawn the amendment as he thought it ought to be made, confining the frank to *written* communications only, and he should be inclined to bring the weight down to one-half ounce in place of the two ounces now allowed. One ounce, in any event, would be an abundant weight for written communications, as all packages relating to the business of the departments could be addressed to the heads of the appropriate departments, and written communications to Congress, if of a greater weight than that allowed to the members, could be addressed to the Clerks of the respective Houses. In a business sense, there was no necessity of extending the franking privilege of the members of Congress beyond the weight of a reasonable letter package, as this would leave as free as at present all communications in writing between them and their constituents. This was doubtless the original object of extending the franking privilege to the members at all, and the privilege, therefore, might be safely brought within any limits not inconsistent with that object. The great abuses of the franking privilege did not grow out of the written correspondence to and from members of Congress. It was the immense masses of printed matter passing through the mails, under frank, which imposed the severe burden upon the department. An officer in the Post-office department, intimately acquainted with the matter, told him, during the last annual session, that the great western mail from this city to the Ohio river was then, from necessity, transported over the mountains in carriages constructed for the exclusive transportation of

the mail, without any conveniences for passengers, to give the carriage the least weight which could be made to consist with the requisite strength and security, and still that four horses were always required — frequently six and sometimes eight — upon the same carriage, to take the weight up the mountain and preserve the contractor's time; while a single horse in a sulky would, as an average, be able to make the same, if not even better time, with the letter mail alone. This single fact would enable Senators to estimate the increased expense of mail transportation from the accumulation of printed matter, while, from this city especially, almost the whole of that matter must go under frank. The revenues of the Post-office department were becoming unequal to the charges upon it, and Mr. W. knew of no way in which Congress could more efficiently act to remedy this evil than in so changing the laws upon this subject as either to diminish the weight of the mails, and consequently the cost of transportation, or to make that weight contribute a more just proportion toward the expense of its own transportation. This he thought would be effectually done by withdrawing the franking power of members of Congress from this printed matter, and by regulating the charges of postage upon it by weight and not by the sheet. He would not tax it heavily with postage, but there was as much reason that it should pay a fair charge as that letters should pay so high a one as they do at present to support the post-office establishment.

"The honorable Senator, in his original resolution, had expressed the opinion that the postage on letters ought to be reduced. This Mr. W. could not suppose would be done while we were appropriating money from the treasury to pay for the transportation of the mails. That was done at the late extra session to the amount of about $500,000, and he believed done for the first time since the establishment of the Post-office department. It certainly could not be the policy of gentlemen to throw this vast department over upon the treasury, and draw from the whole people, in taxes, $5,000,000 or $6,000,000 per annum to meet its expenses. He could not think, therefore, that this was the time to reduce the postage on letters; but when that postage, as now charged, is insufficient to pay the cost of mail transportation, it

did appear to him to be the proper time to relieve the mails from the immense mass of free matter which they were made to carry, and to arrange more equitably the charges of postage upon printed packages.

"There were other reasons which operated upon his mind for withholding the franking privileges of members of Congress from printed matter altogether. He had before referred to those connected with a proper retrenchment in the contingent expenses of the two Houses of Congress, such as the diminution of the public printing, and the saving in the cost of wrapping paper and other articles of stationery used for enveloping the documents, as also the labor of the messengers employed in folding them. These had all come to be heavy items in the contingent expenses of Congress, trifling as the mention of them might seem to be to the casual reader.

"Another and still more important consideration weighed heavily with him. The practice of sending congressional speeches had increased within the last few years to an enormous extent, and had come to be a matter expected by the constituent and demanded from the representative as a part of his official duty. It had gone to such excess within the last few years as, in his judgment, to have become injurious instead of being beneficial to the constituent body, and most palpably so to the business of legislation here. The great mass of congressional speeches now take their character from this practice. They are made, not to be listened to by the body to which they are addressed, but to be read by the constituents to whom they are sent. Hence they are necessarily political and partisan to much too great an extent, and much beyond what they would be, if simply intended for the legislative body. The debates are protracted in length, too, by this practice, for the speaker is well aware that the debates upon the question can never reach those whom he wishes to address, and hence he is compelled, in his single speech, to give so full a view of the whole ground of debate as to enable the readers to appreciate the force of his remarks and his views. This, too, must be repeated by each speaker, because his speech is to go to a different class of readers. Mr. W. had not for a long time entertained a doubt that this practice of circulating the congressional

speeches under the franks of the members had contributed more than any one single cause to the constant increase of the duration of the long sessions.

"The evils of the practice had not stopped here. The country press was deeply injured by it. The people no longer look to their village or county newspaper for information as to the proceedings of Congress, and the conduct of their immediate representatives, but rely upon being furnished with such speeches and public documents as those representatives may choose to select for their information. The information circulated in this way, though perhaps more full upon a few points than they would obtain from a well-conducted newspaper, is much less general and much more partial and partisan in its character. And while the public mind is thus kept less well informed and made less sound, a strong, active and well supported country newspaper press, the safest reliance for institutions such as ours, is deeply and almost fatally injured and its support withdrawn in consequence of the flood of matter gratuituously furnished under the franks of members of Congress. Still the practice has become established and all must follow it in self-defense, unless all are prohibited by the limitation of the power to frank.

"This was called 'the franking privilege,' but to him it had become a back-handed privilege. His State was large, and his correspondents were necessarily numerous, and every hour he could command from his legislative duties ought to be devoted to the business and wishes of those correspondents, and even then the time allowed would be far from sufficient to enable him to render them that service and civility which were their due and his duty. Still he was compelled, or he had been during former sessions, to devote a large portion of that time to the sending off of his proportion of Congressional speeches and other documents. It was no slight labor to superscribe and frank several thousand documents; and to accomplish it when it seemed to be required, he had often been induced to give to it a portion of that time which would have been more appropriately devoted to the public business. He did not suppose he had acted differently from others in this respect, and he was sure in sending documents he had not come up to the average

of the members generally. Yet the private cost to himself of the speeches he had purchased during each session, for this distribution, he believed would exceed in amount what the postage upon his letters would have been if the franking privilege had not existed at all. He hoped he should not be supposed to mention this matter of expense in a grudging spirit. Far from it. He owed to the constituents, to whom he had sent but a lean supply of documents, more than he could ever repay, either in money or gratitude; and he had referred to the fact merely to show that, while this practice was, in his judgement, rather harmful than beneficial to the country, it was in fact a tax upon the pockets of the members of Congress, as well as upon their time, more than equal to the benefits they derive from the franking privilege out of which it has grown.

"Complaints had also been made of the abuse of the franking privilege by deputy postmasters, and the number of those officers was now so large, and their increase so rapid, that he had mentioned this subject in the resolution, believing that it was well worthy of a careful examination by the appropriate committees of Congress, to see whether the privilege itself would bear to be brought within narrower limits, and whether there were existing abuses which ought to be corrected.

"The eleventh resolution of the honorable Senator he did not propose to amend. It was in these words:

"'11. *Resolved*, That the Secretaries of State, of the Treasury, of the War and of the Navy departments, and the Postmaster-General, be severally directed, as soon as practicable, to report what offices can be abolished, and what retrenchments of public expenditure can be made, without public detriment in the respective branches of the public service under their charge.'

"As carrying out, through the aid of the various executive departments, and within their several organizations, the system of retrenchment which the previous resolutions proposed Congress should begin, this call upon those departments was manifestly proper.

"The resolutions of the honorable Senator, taken together, cover too much ground to be carefully examined within the reasonable limits of a speech, and the amendments he had felt

it to be his duty to offer to them had rather extended than limited the views he was thus called upon to present. They were now closed, and he would resume his seat with a pleasure second only to that which must be felt by those who would be thus relieved from listening to him farther."

Mr. Wright to Elam Tilden.

"Washington, 13*th March*, 1841.

"My Dear Sir. — I thank you for the perusal of the inclosed letter from our friend [Gideon] Welles. He is an honest man, a most sensible man, and every inch a democrat. The causes of our defeat in New York lay even deeper than the acts to which he refers, — in the banking legislation, commenced immediately after the adoption of the safety fund system, and the crowning mischief was the suspension act of 1837. I hope and believe the hardest point is past, and if we now keep honest as a party, we shall soon again have the people with us.

"I wrote you a note a day or two since which will tell you the disposition I made of your letter. Our body has not adjourned, but meets on Monday; yet I may possibly leave to-morrow, but I think I shall not till the final adjournment.

"In great haste,

"Most truly yours,

"SILAS WRIGHT, Jr.

"Elam Tilden, Esq."

CHAPTER CII.

ANOTHER LOAN BILL.

The treasury was about to become deficient and required replenishing. Mr. Clay had retired from the Senate, to which he delivered a touching valedictory on leaving. Mr. Evans had succeeded him as chairman of the Committee on Finance. Mr. WRIGHT had been left off from that committee and put at the tail of the one on Commerce and given place on that upon Claims. The Committee on Finance had not the advantage of his knowledge and experience in the preparation of its measures. The proposed loan was for $5,000,000, and had connected with it a proposition to allow interest on treasury notes. Mr. WRIGHT, who fully understood the questions involved, thus addressed the Senate on the 5th of April, 1842:

"Mr. WRIGHT said: Mr. President, I feel that opposition to this bill, in the present condition of the public treasury, and under the circumstances which surround Congress and are pressed upon it in relation to the finances of the country, involves the duty of a frank, fair and full statement of the grounds upon which that opposition is rested. I feel the full force of the obligation upon Congress to provide supplies to carry on the government, and I profess as perfect a willingness as any other member of the Senate to furnish those supplies in every proper and reasonable mode. I feel, too, the appeal of the honorable chairman of the Committee on Finance, made with the force and clearness with which all exhibitions are made by him here, to act promptly and act efficiently. Still, he must pardon me for saying that I cannot permit myself to be transported to a state of actual war for the government of my feelings in this crisis, nor can I suffer war precedents to govern me in determining upon

the extent to which the credit of the country should be driven, or the manner in which it may properly be handled, to meet the present pressing exigency. It is a time of peace, and measures fitting such a time are the only ones to which I can now resort to supply the treasury.

"Again: the honorable chairman must pardon me if I do not feel all the force of his appeal, when he shows us that the keenest of our distresses are voluntarily brought upon ourselves, and that relief, to a very material extent, is within our reach and can be applied at our pleasure. The revenues from the public lands do not enter into his computation of means for the supply of the treasury, and much of the want and distress of which he so earnestly complains, and which he so prophetically contemplates, arises from our having given away that revenue to the States, and from a tenacious adherence to that blind and mistaken policy. We are asked, entreated, to pass this bill without opposition, without examination, without reflection, because the treasury is in want, or is to be in want; and yet $3,000,000 per annum, that which the honorable chairman declares to be one-eighth part of our whole revenue, is yet fully within our reach and we will not turn our hands to take it.

"Again I say, the honorable gentleman must pardon me when I tell him that this blunts the force of his feeling appeal, and that I, for one, cannot consent to trail the credit of our proud country in the dust, to hawk it about in the markets of this and other countries for what it may bring at auction, to supply a treasury thus made vacant. He must bring back the legitimate revenues of that treasury and apply them to its legitimate uses, before he is authorized to call upon his opponents to sustain a measure like this.

"I propose, Mr. President, to examine, briefly as I may, the provisions of the act of the extra session authorizing a loan of $12,000,000, the amendments proposed to be made to that act by the bill now before the Senate, and the influences which it appears to me the proposed amendments cannot fail to exert upon the credit of the country, upon the national treasury, upon the credit and interests of the States, and upon the trade and business and revenues of the country generally.

"The first section of the original act allowed one year from its passage as the time within which the loan authorized by it might be made. That time will expire on the twenty-first day of July next. The first section of the amendment proposes to extend that time to one year from its passage. To this change I make no objection.

"The first section of the original act limits the amount of debt to be contracted to $12,000,000. The eighth section of the amended act proposes to extend that amount to $17,000,000, adding an authority to borrow, in the shape of a loan, $5,000,000 in addition to the $12,000,000 authorized to be loaned by the original act. And the ninth section of the amendments declares that treasury notes due and unredeemed on the fifth day of March last, or which shall become due and payable after that day, and shall not be redeemed, shall bear an interest of six per cent, payable semi-annually, until redemption shall be made; thus, in effect and in practice, funding those notes and adding so much to the debt authorized to be contracted. The honorable chairman has stated the amount of those notes outstanding on the first day of the present month to be $8,874,000. This is in conformity with the information I have received from the Treasury department. I have also the official statement of the amount of notes outstanding on the first of March last, which is $8,539,000, and the honorable chairman tells us that notes to the amount of between $900,000 and a $1,000,000 may yet be issued under the act of January last. From these data I estimate the amount of treasury notes to be practically funded under the provisions of this amended act at not less than $8,750,000, and the sum will be much more likely to exceed $9,000,000. Instead, therefore, of an increase of the debt by merely $5,000,000, as the honorable chairman seemed to suppose, this amended act authorizes an increase of from $13,000,000 to $14,000,000, and the increase may even exceed the latter sum. The necessity and propriety of this vast increase of the public debt, and the effect of these provisions of the amended bill, will be hereafter considered. My present object principally is to mark the changes proposed to be made in the original act.

"By the first section of the original act, the loan was to be

made redeemable at the pleasure of the government after six months, or at the expiration of three years from the 1st day of January, 1842. By the second section of the amendment, the stock hereafter issued is to be made redeemable at the pleasure of the government after six months, or at any time not exceeding twenty years from and after the 1st day of January, 1843. This is a most essential change, and, connected with others subsequently proposed, will form the subject of the most of the remarks I propose to make.

"The first section of the original act makes the stock transferable upon the books of the treasury only. The third section of the amendments authorizes the Secretary of the Treasury to issue certificates of stock transferable by mere delivery, without any other transfer or assignment. I confess I was somewhat surprised that this proposed change of the law was not noticed by the honorable chairman of the committee, in his exposition of the amended bill. It is to me a novel and surprising provision. Is it intended to constitute a paper circulating medium of these certificates of stock? There is no limitation of their amount in either the original or the amended act. They may be issued for five dollars or for $500,000, at the pleasure of the Secretary of the Treasury, and why make them transferable by mere delivery, if it be not intended to make them perform the office of paper money? [Mr. Evans explained that the provision had escaped his memory when making his exposition, or he should have noticed it.] Mr. Wright continued: I will make this singular feature of the proposed law the subject of future remark, but will now proceed with my analysis of the two acts.

"The interest upon the loan, by the original act, was not to exceed the rate of six per centum per annum, to be paid quarterly or semi-annually, and the proceeds were to be applied to the redemption of the treasury notes and the payment of the expenses of the government. Neither of these provisions are proposed to be changed by the amended act.

"The second section of the original act prescribes the manner of preparing the certificates of stock, and has the following proviso, viz.: '*Provided, That no stock be sold below par.*'

"The fourth section of the amended act is in the following language:

"'Sec. 4. *And be it further enacted*, That the proviso to the second section of the said act is hereby repealed; and the Secretary of the Treasury is hereby authorized to cause the stock, hereafter to be issued, *to be disposed of at the highest price which he can obtain for the same*, on its being advertised for a reasonable time for proposals; but no stock whatever shall be sold below par, except upon, and in pursuance of, *a specific advertisement*, and *by virtue thereof*.'

"This is the great and alarming change proposed to be made by the amended act. We are to abandon our own credit, and by the solemnity of an act of legislation to depreciate and degrade it, by offering it in market overt, upon public and 'specific advertisement,' to the highest bidder, '*for what it will bring*.' And why are we to do this? Because, says the honorable chairman of the Committee on Finance, the treasury must be supplied; this government must have money. This young and vigorous country, this splendid and liberal government, which gives away as a present to the States an entire eighth part of its whole revenue, and that the most certain part of the whole, driven to a strait like this! And the able chairman of its Finance Committee of this body driven to defend a measure of this sort, brought forward in furtherance of a policy of this sort, and to be passed, if passed at all, to carry out this anomalous policy! Who can fail to see and to feel the hard service which such a party requires of its agents and organs?

"I do not intend or desire, Mr. President, to make a political remark or call up a political feeling. I do not wish to connect political or partisan feeling with this debate, and I would that the measure were not one supposed to be necessary to carry out political and party policy. If it were not, I should have no apprehension of its passage here, as I know well it could never have come here under any other apprehended necessity. Nothing else could have given rise to such a proposition in relation to the credit of the country, while the land revenue is calmly laid aside to be bestowed in presents upon the States. I say nothing of the motives of gentlemen upon the other side. I merely speak of their course, their measures and their acts, as

those present themselves to us in this bill; and, viewing it and its tendencies as we do, they must not be surprised that we cannot listen to their appeals on behalf of a treasury thus disabled, and pass the bill without examination and without opposition. Much less should they accuse us of a disposition to delay the measure, because we are impelled by a most solemn sense of the duty we owe to our common country to expose its dangers and defects. Such an accusation would be as unjust as it would be unfounded.

"The honorable chairman seems to suppose that the sale of this stock is to be matter of personal negotiation between the Secretary of the Treasury and the purchasers; and he says the Secretary, having the discretion both as to the length of the stock and the rate of interest, can make such terms with each purchaser as shall be most agreeable to his wishes — as to his investments, and to the interests of the treasury — as to the immediate supply of means and final liability. [Mr. Evans explained. He said he did not anticipate that the Secretary would be able to negotiate personally with the purchasers of the stock; but that he could do it through agents, which he was authorized by the original act to appoint, and who might be sent into the markets of this and other countries to make the negotiation.] I do not understand, Mr. President, how it is that agents, who I know may be appointed, can negotiate as to a sealed proposal for a portion of this stock, made in pursuance of an advertisement from the Secretary, calling for such proposals, and that I understand to be the course pointed out in the fourth section of the amended act for the sale of the stock, if it is to be sold below its par value. The Secretary has a discretion as to the life of the stock and the rate of interest, and he may unquestionably exercise that discretion, in the preparation of his notice or advertisement, by calling for proposals for a stock bearing any interest not to exceed six per cent, and having any life not short of six months and not exceeding twenty years; but as he advertises, so the proposals must be made, and, being made, they must be accepted or rejected, and cannot be altered to suit either of the parties after they are sealed and delivered. If the Secretary advertise generally under the law, without specifica-

tion of rate of interest or time, and I make a proposal for $1,000 of the stock, does the honorable chairman doubt that the acceptance of my proposal would entitle me to a six per cent twenty years' stock? [Mr. Evans again explained. He said the case had existed under former laws, and might exist again under this law, when the Secretary would decline to accept any of the proposals made under his advertisement, and, after rejecting all, that officer had dictated terms, which the bidders accepted, and upon which they took the loan. After Mr. E.'s explanation, Mr. Buchanan moved that the Senate adjourn, and the Senate adjourned until to-morrow, twelve o'clock.]

"Wednesday, 1 *o'clock, P. M.*

"Mr. Wright proceeded: I hope, Mr. President, the Senate will indulge me in making a single remark, before I resume the consideration of the subject before it. The circumstances under which the Senate adjourned yesterday, and some mistaken inferences which have been drawn from those circumstances out of doors, make it my duty to the members of the body, on all sides of the House, not less than to myself, now to say that it would have been most agreeable to myself to have closed what I have to say last evening, but that I was extremely reluctant to address the body, or to compel it to remain in session, when I saw the most marked evidences of fatigue and impatience as well among my political and personal friends as others. I therefore yielded the floor for the motion to adjourn, that the Senate might express its pleasure, irrespective of my own, and certainly without feeling that any member, by voting against an adjournment, was performing an act of discourtesy toward myself. I should not be willing to put such a construction upon almost any act of the Senate, or of the individual members, and certainly the circumstances of the adjournment of last evening afforded no foundation for such an impression.

"I am happy to find myself relieved from the necessity of recapitulation from yesterday, as I shall necessarily touch sufficiently hereafter upon all the topics then remarked upon, and which have any general bearing upon the argument I propose to present.

"When the Senate adjourned, I was considering the fourth section of the amended bill, and the powers and duties of the Secretary of the Treasury in the disposition of the stock proposed to be issued according to the terms of that section. The honorable chairman had just completed his second explanation, and in reply to that, and to the argument between us, I have only again to refer to the terms of the section itself. I have read it in full, and, by a reference to its language, it will be seen that the stock is to be 'advertised for a reasonable time for proposals; but no stock whatever shall be sold below par, except upon, and in pursuance of, *a specific advertisement, and by virtue thereof.*' I am wholly unable to perceive what negotiation can be carried on, either by the Secretary himself or his agents, either in our own or foreign markets, under these provisions. They are, as plainly as language can make them, provisions for a sale of the stock upon sealed proposals, elicited upon public and *specific* advertisement, 'and by virtue thereof.' The proposals, therefore, must be accepted or rejected, as the Secretary shall choose, but they cannot be altered by negotiation, subsequent to the advertisement and the offer, without destroying the whole spirit of the provisions themselves; and if negotiation previous to either can be carried on with fairness to the proposed mode of sale, I am wholly unacquainted with the manner, or the useful objects to be accomplished by it. I leave this point, then, retaining the conviction that the provisions of the section are for a sale of the credit of the country at auction, but by that description of auction sale which is carried on by sealed bids.

"The third section of the original act authorizes the Secretary of the Treasury to invite proposals for the stock to be issued under it, which was in no event to be sold below the par value, or to employ agents to negotiate a sale in a private way, paying such agents a commission for their services not to exceed one-tenth of one per cent upon the amount of loan taken in consequence of their agency, which provisions are not proposed to be changed otherwise than by the provisions of the fourth section of the amended act, which have just been considered.

"The fourth section of the original act authorizes the Secretary of the Treasury to purchase these stocks before maturity, and

appropriates all surplus moneys which may be in the treasury for that object. This section is not proposed to be changed.

"The fifth section of the original act pledges the *faith* of the United States for the payment of the interest and the redemption of the principal of the stock to be issued under it.

"The fifth section of the amended act pledges *the whole revenue from customs* for the payment of the interest and redemption of the principal of the stock *hereafter* to be issued, and appropriates so much of that revenue as may be required to meet these objects.

"The honorable chairman, in his argument, so far from sustaining this section of the amended bill, seems to hold it useless at the least, if not against usuage and propriety. He discards the doctrine of specific pledges of means to sustain the public faith and credit of nations and States as an exploded doctrine, and refers to the modern practice of England in making loans to sustain his views. I believe I was mistaken when I said to him in an informal manner, yesterday, that this was the uniform practice of the British government, and I owe him an apology for that interruption. I knew it was the practice in the earlier periods of the British debt, and I supposed, hoped indeed, that it had been continued, so far at least as the payment of interest was concerned. A very imperfect examination, since the adjournment of the Senate, induces the impression that it is not so, and that the sound practice of offering anything but 'faith,' as the assurance of payment of either interest or principal, has been abandoned in that land of debt and taxation. I was very well aware that the payment of the principal of the British national debt had long since ceased to be a matter of hope or expectation anywhere, and that pledges in that direction would be considered, at this day, little less than mockeries; and it seems that the system of debt of that country has gone so far that pledges to pay interest, beyond the faith and honor of the nation, are also out of use.

"Be that so; still I must yet hope that we are not to imitate this example, in either feature of it, and the practice of England and its results would seem to me to furnish the strongest caution to us. As we do not seek an irredeemable debt or oppressive

taxation, this instance should warn us to provide the means of payment when we contract a debt.

"I might spare myself the discussion of the principle of fortifying our credit by the pledge of a specific fund, in this instance at least, by the fact that such a pledge is in the very section of the amended bill under consideration; and the only practical difference between the honorable chairman and myself will turn out to be, not in the propriety of a pledge at all, but in what shall constitute that pledge in this particular case. I think the principle adopted is sound and right, but that its application to the whole revenue from customs is not the most expedient one in the present state of our finances. This revenue is, and must continue to be, our principal reliance for the support of the government; and the problem is yet to be solved whether we can make it adequate to that object alone. The pledge, therefore, is not of that distinct and clear and specific character which is essential to add weight to the public credit. It is one which, in consequence of its fluctuating character, may be unintentionally violated. Not so with the land revenue, which I would pledge, because I would pledge the whole of it, separately, specifically, inviolably, and make it a sinking fund for the debt; not for the stock '*hereafter*' to be issued merely, but for all which has been issued, and for all the treasury notes which have been issued or shall be issued and not redeemed in any other manner. The fund is ample for any debt existing, or which I suppose is contemplated, and it is the most certain of any within the power of the government.

"The honorable chairman is not the first individual I have heard express feelings of repulsion against the idea that the government should fortify its credit by a distinct pledge of property, as derogatory to the honor and faith of sovereignty. I have never, I fear, been a very nice judge in these matters of faith and honor, as connected with money transactions, as I have usually found considerations of interest more controlling, at least with the party who is to give the credit; and I venture to predict, if the honorable chairman would talk with a Rothschild or a Baring, he would find either equally as ready to receive a pledge of visible and tangible means for the payment of any loan they may be requested to make, as any pledge of faith, however pure,

and of honor, however high, and by whomsoever or by whatsoever power the pledge might be tendered. If the history of those distinguished houses has come truly down to us, they have long since learned that money may bring honors; and they must have had a very singular experience, if they have not also learned that faith and honor do not always pay debts. Still, with governments, pledge what property they may, it is a mere matter of honor, after all. The honorable chairman says, is not the idea degrading, that, when our government goes abroad to borrow money, the question shall be asked, What will you mortgage? Is this the fair presentation of the idea? Does the government give a mortgage, in the proper acceptation of the term, when it pledges a specific fund to pay the interest and redeem the principal of a specific debt? Suppose it chooses to violate the pledge, can the creditor enforce the obligation? — can he foreclose the mortgage, and reach the property? If we were by this law to pledge our immense public domain for the loans to be made, and a future Congress should violate the pledge and divert the fund, could the lender of money under the law gain title to the lands by means of the pledge? Certainly not. It is only a matter of faith and honor, after all, but of faith and honor more specifically pledged, and, in case of forfeiture, calling for a more specific and tangible violation of both — a violation which few civilized governments ever have been or ever will be guilty of — while, without the specific pledge of means, many, very many, have very frequently forced upon the creditor an extension of time, a reduction of interest, or both, and sometimes a loss of the entire debt. If payment is intended, is it dishonorable to make it certain? If credit is asked, is it dishonorable to show that it is deserved?

"It is not, however, in my estimation, so much the value of this fund which renders the pledge important to our credit, as the necessity of presenting to capitalists everywhere the evidence of a change in our policy and the management and disposition of the means we have. It is not so much whether we are able to pay as whether we shall be disposed to pay, if we receive the credit we ask; and, while we are seen giving away the most certain means of a deficient treasury, and then asking to borrow for its support, we are tendering to capitalists the worst possible

evidence either of our faith or of our conduct as financiers, and presenting the feeblest claim to their confidence. Here appears to me to rest the great difficulty. Change this policy: call back this land fund, and inviolably pledge it to support our credit, and I verily believe we shall be relieved from the necessity of forcing our credit off at auction, and below par, to raise money.

"The honorable chairman says, if it was because we have not credit that this measure was to be adopted, it would be a melancholy state of things indeed, but such is not his view of the necessity. It is, as he thinks, because money is dear, and not because our credit is distrusted, that we fail to command money upon it on the usual terms. Is this so, and do we yet propose to make our loan for twenty years? I often hear that money in Wall street is worth one, one and a half, and sometimes even three per cent per month, and yet good, solvent and sagacious merchants borrow at these extravagant rates; but did any one ever hear of a merchant offering his notes, or attempting to make loans, for twenty years, when such is the value of money? No, Mr. President, that is not the course of mercantile financiering. During such periods the merchant seldom borrows for twenty days, and frequently for not a longer period than twenty-four hours, and for these short intervals he pays the price of the money in the market, but he dreams not of permanent loans upon such terms. His note is due in bank to-day and the money must be had to meet it, because his credit must be preserved; but to-morrow is improved to command his own resources, or retrench his expenses, or both, that he may relieve himself from the extortion. Should the government act upon a different rule, and extend the period of its loans as the price of money rises?

"The honorable chairman says truly that I will not consent, under any circumstances, to the sale, by the government, of its own credit below the par of money, but that I prefer to raise the interest to meet the market. If compelled to either alternative, I would certainly choose the latter, but I would by no means propose a twenty years' loan at the high interest. I would follow the course of the solvent merchant, and pay the value of the money for a short term and to meet immediate necessities, while I would improve time and means to relieve

myself from the heavy exactions for the future, and, if permanent loans should become unavoidable, I would seek a more favorable state of the money market to offer for them.

"The sixth section of the amended bill makes it the duty of the Secretary of the Treasury to report to Congress, at its next session, the amount of money borrowed under the act; the proposals received, distinguishing such as were accepted and such as were rejected; and a detailed statement of the expenses incurred in making the loans. This provision is well as far as it goes, but I respectfully suggest that it should go farther. Under all our laws to authorize emissions of treasury notes, it has been thought proper to require the Secretary to publish, in the public newspapers, monthly statements of the amounts loaned in this way. Is it not quite as important to the public to be fully informed of the extent to which the public credit is used under this law, and in what manner it is used, — what loans are made, in what forms, and at what rates? This information may become very important to the business community, both to enable them properly to estimate the value of the public securities in the market, whether in the form of treasury notes or certificates of stock, and also to anticipate the influences to be exerted upon the money market by future operations of the treasury. The section, I think, ought to be so modified as to require monthly publications of this information.

"The seventh section of the amended act declares that all the provisions of the original act, not modified or changed by it, shall remain in force.

"The eighth section of the amended act contains the authority, before referred to, to add $5,000,000 to the stock loan; and the ninth and last section funds the treasury notes which have become or shall become due and payable, and shall not be redeemed, with an authority in the Secretary of the Treasury to terminate the interest upon the notes, or any portion of them, at any time, by an advertisement in one or more of the principal papers published in this city, declaring that the notes designated will be redeemed after the expiration of sixty days, at the end of which time the interest is to cease.

"This closes the analysis of the two acts, and, from the vari-

ous provisions, it will be seen that the points of principal importance presented are the four following:

"1. The amount of debt authorized to be contracted.

"2. The manner in which the certificates of stock are to be made transferable.

"3. The length given to the loan.

"4. The manner in which the stock is to be disposed of.

"I. The debt contracted, and authorized to be contracted, under these two laws is as follows:

"Amount of loans already made under the original act,		$5,668,976 88
"Amount of new stock authorized to be issued, viz.:		
"Remaining to be issued to complete the $12,000,000 authorized by the original act	$6,321,023 12	
"Addition authorized by amended act	5,000,000 00	
		11,331,023 12
"Total stock debt, contracted and authorized under the two acts		$17,000,000 00
"Treasury notes authorized to be funded, or placed on interest after due, as before estimated from the data given		8,750,000 00
"Total debt, contracted and authorized, in stock and treasury notes		$25,750,000 00

"I here, Mr. President, ask leave to refer to a single fact of history which is not technically connected with my argument, but which I desire again to repeat, to prevent error here and elsewhere in relation to our present national debt. Much has been said of the debt contracted under Mr. Van Buren's administration, and very wild and extravagant statements of its amount have been made. I believe almost all sums, from $40,000,000 down to $5,000,000, have been given as the veritable state of the debt at the close of that administration. This point has now become settled and certain, and is made matter of record and of history. I hold in my hand a copy of printed document No. 41 of the present session of the Senate, which is an answer to an express call upon the present Secretary of the Treasury for an official statement of the true amount of that debt, among other things. The only form in which a debt was contracted during

that administration was in the emission of treasury notes, and in that form, therefore, the whole debt thus contracted remained at the close of the term. The amount of treasury notes outstanding on the 3d day of March, 1841, as shown by the records kept in the office of the Register of the Treasury, was $6,607,361.54. This is the amount given by the Secretary of the Treasury in answer to the call of the Senate; and he adds, in a note, that this sum includes all the treasury notes which had been paid in for public dues from the first of January to the third of March, inclusive, because those notes, though in that way redeemed in fact, had not passed on to the records of the Register as redeemed. I speak upon the authority of that member of this body who was the Secretary of the Treasury during this period [Mr. Woodbury], and who is entirely confident in the correctness of his computation, when I say that the amount of notes so paid in before the 4th of March, 1841, and in that way in fact redeemed, was at least $1,000,000; thus reducing the amount of treasury notes in truth outstanding and unpaid on the 3d day of March, 1841, the last day of Mr. Van Buren's term, from $6,607,361.54 to $5,607,361.54. The account between the two administrations will then stand thus:

"Debt contracted and to be authorized by this bill, as before given.....	$25,750,000 00
"Deduct the true amount of debt left by Mr. Van Buren's administration, as corrected above.....	5,607,361 00
"And there will remain of debt, contracted and authorized by this administration.....	$20,142,639 00

"Can it be necessary to authorize so vast an amount of debt for so short a period? Is it necessary, by this amended act, to increase the power to make a debt, given under the original act, to the extent of $13,000,000 or $14,000,000? The honorable chairman finds this necessity in the supposition that the treasury notes are to be finally sunk in the stock authorized to be issued. This I was glad to hear from that quarter, so far as the magnitude of the proposed debt is concerned, for it shows that the contemplation is not to contract a permanent debt of more than $25,000,000, but merely to the extent of the stock author-

ized, which the honorable chairman has truly stated at $17,000,000. I hope this may be the practical result, though it cannot be denied that the authority is conferred by the law, in its present form, to swell the debt to the extent of the $25,750,000. This extent of authority is clearly unnecessary in any other sense than that presented by the honorable chairman — to sink the outstanding treasury notes in the stock — and if that be the real object I shall, by and by, undertake to show that the provisions of the bill are eminently calculated to accomplish this change of securities, or evidences of public debt, in a manner the most disadvantageous to the national treasury.

"II. I will notice, very briefly, the mode in which the stock is to be made transferable, and shall wait with interest to hear the honorable chairman upon that point, it being one which he tells us escaped his recollection in his general *expose* of the provisions of the amended bill. The provision is, 'That the certificates hereafter to be issued for said loan may, when required, be in such form as shall be prescribed by the Secretary of the Treasury, so that the stock may be transferable *by delivery of the certificate*, instead of being assignable on the books of the treasury.'

"At the pleasure of the purchaser, therefore, these certificates of stock, these evidences of a funded debt of the duration of twenty years, are to be made transferable like an ordinary bank note, by a simple delivery from hand to hand. Is it, I again ask, intended to make of them a national paper money — a circulating medium? I will neither impute nor believe this until such a purpose is declared, because I will not suppose it is intended to propose a paper currency for the country, resting upon the credit of this government, and put that currency into circulation, by a sale at auction, *for what it will bring*. I shall, therefore, leave this possible construction of this feature of the bill to the discussion of others, after the honorable chairman shall have declared the object of the provision itself.

"I am wholly unable, however, to see how the interest accounts upon this stock can be kept, and the payments of interest made, with safety to the treasury or convenience to the holders, if the stock be made transferable by mere delivery, and no transfer books be kept anywhere. I have had some acquaintance with

the management of these stock debts in my own State, and there the transfer books formerly were, and I believe still are, kept in the city of New York. I believe, during the existence of the late Bank of the United States, the transfer books of the stocks of this government were kept by that institution, and I can well imagine that inconvenience to the holders of these stocks may have been anticipated from the provision in the original law, confining the transfers to the books of the treasury only. In that case, a modification to place the transfer books at any other more convenient point might not be seriously objectionable; but that transfer books should be kept somewhere, and the transfers be regularly made in conformity to fixed regulations, would seem to me to be wholly indispensable to the safety of the government and of the holders of the stocks. How are the quarterly or semi-annual interests to be otherwise regularly or safely paid? Under the regulations of New York, transfers are prohibited within a certain period of the quarter-day, to afford time to prepare the interest accounts and transmit them to the treasury; and the transfer books are the only evidence relied upon of the claim to interest of the respective holders of stock. In the absence of such evidence, would it not be indispensable to require the presentation of the certificate itself at the treasury, as the only voucher upon which payments of interest could be safely made? And if it would be an inconvenience to the dealers in these stocks to confine the transfer books to the treasury only, how much more inconvenient would it be to require the certificate itself to obtain a payment of interest? Upon what other evidence would the Treasurer feel authorized to make these payments, if no transfer books are kept? Certainly not upon the mere draft of any person who should claim to own stock, and not much sooner, or safer, upon *ex parte* affidavits of ownership. This provision certainly requires explanation, as it seems to be wholly objectionable in principle, and may be seriously inconvenient to holders of the stocks, and especially to foreign holders.

"III. It remains for me to consider the length proposed to be given to this loan, in connection with the means proposed for its final payment. If the land fund be pledged, as I think it should be, for the payment of the interest and redemption of the princi-

pal, not half of twenty years will be required to extinguish the debt. If the proposition of the late Senator from Kentucky [Mr. Clay] be adopted, and the sum of $2,000,000 per annum be raised from impost, and made applicable to the debt, the $17,000,000, which the honorable chairman of the committee tells us is to be the amount, will be liquidated by such a fund alone in a period much within twenty years. And when we find a provision in the original law appropriating all future treasury surpluses for the payment of this debt, over and above such fund as shall be finally set apart and made applicable to that object, it is very difficult to discover why it is that twenty years' life is to be given to this loan. The honorable chairman told us yesterday, and read to us from the prices current of the market to sustain the proposition, that the New York six per cent stocks, having the shortest life, were selling at the highest rates; and this certainly, if a fact, should not be an argument in favor of issuing these stocks, payable after twenty years, the longest period for which stocks are usually issued in this country. Why, then, is this long life to be given to this loan?

"IV. I come now to consider the important provision of this bill — the manner in which these stocks are to be disposed of, and especially some of the influences which the manner of disposition proposed cannot fail to exert upon various important public and private interests, and among them upon the treasury itself, and certain interests immediately connected with it.

"And first, the stock already issued under the original act, amounting to more than $5,600,000, must be seriously affected by a sale of this stock at auction for what it will bring. All these stocks were taken at par and paid for in money; while a small portion of them only bear an interest of five and two-fifths per cent, more than a moiety of the whole but five and a half per cent, and the residue six per cent, the precise rate to be given to these stocks. Those emissions are simply for three years from the first day of January last, while these are to run twenty years from the first day of January next. Those stocks stand upon the bare general pledge of the *faith* of the government for the payment of interest and principal, while these are to have the additional specific pledge of *the whole revenue from customs* to meet

the payments of interest and redeem the principal. With all these advantages in favor of the stocks hereafter to be issued, they are to be sold in the open market, at public auction, 'for what they will bring,' while those formerly issued were taken at par, were taken in this country, and are still in the markets of this country. The honorable chairman tells us that ninety-five cents have been recently offered and refused for a portion of these six per cents in the New York market. Can he tell us what will be offered, and what price will not be taken, when more than $11,000,0000 of twenty years six per cents shall have been sold at auction for what they will bring, and shall in that way be brought into the competition? Can we estimate the loss which must be sustained upon those portions of the former stocks which bear a rate of interest less than six per cent? Rumor has said that those stocks were principally taken by certain banking institutions at the north. Can those institutions sustain the loss we shall thus force upon them, unless they are able to hold the stocks until they reach maturity? And will they be able to hold, if we pass this law, and thus call for the capital which will be invited to enter into the competition of our proposed auction sale? Is this the faith which we ought to observe toward those public creditors, because they were more liberal to us in our time of need than others were found willing to be?

"Again: The $8,000,000 or $9,000,000 of outstanding treasury notes cannot fail to be fearfully affected by a sale of a twenty-year six per cent stock below par by the government itself. These notes have only been issued, and can only be issued, at par. None of them have longer life, as an investment, than a single year, and none of them have an interest to exceed the rate of six per cent. If due, and practically funded under the ninth section of this act, it is at the pleasure of the Secretary of the Treasury, at any time, to stop the interest upon them after a lapse of sixty days. Does any man, can any man, expect that such a paper can be sustained at par, while a twenty-year six per cent paper of the same maker is selling by that maker, in the open market, at a depreciation? Such a thing cannot be, and the effect of this law must be to deprive the treasury of all further benefit from the use of the treasury notes, and to drive

them back upon it for instant redemption. The honorable chairman tells us that about $1,000,000 of these notes, authorized by the law of January last, remain to be issued, and the whole $5,000,000 authorized by that law may continue to be reissued throughout the whole of the present year. Indeed, these notes now constitute, substantially, the whole means of the treasury, and its operations would be arrested without them. Who will hereafter receive them in payment at par, if this law shall pass? No one can do so. Their emission must cease and their redemption rapidly commence, but upon what means?

"The honorable chairman will probably tell me upon the means to be derived from the loan; that it is intended to sink these notes in the stock, and that the consequence I apprehend, so far from one to be deprecated, is one expressly and particularly desired. The consequence *will* probably follow, and, if the law pass in its present form, I apprehend it will follow more rapidly, and in a way more disadvantageous to the treasury, than the honorable chairman seems to have anticipated. The stock is to be sold for what it will bring. A. B. sends his 'proposal,' under the advertisement of the Secretary, for $10,000 of the stock, at ninety cents for the dollar. The Secretary accepts the bid, and calls upon A. B. for the money. He presents himself with $10,000 of the treasury notes, which are by the law made receivable in payment of all public dues, and tenders them in payment for his stock. The treasury receives no aid to meet future calls, but A. B. exchanges a six per cent treasury note, then due, or to fall due within the year, and which he has purchased in the market at from one to four per cent discount, at its par value, interest and principle, for a twenty-years' six per cent stock, at ten per cent discount. This will be the manner in which these notes will be redeemed by the loan, under this law; and when the Secretary shall thus have called in his $9,000,000 of treasury notes, and parted with $10,000,000 of his stock to do it, the treasury will still be destitute of means, and it will be wholly out of his power further to use the notes in its aid, because he will have supplied the market with a much more valuable paper, at a much lower price. He may, indeed, find purchasers of the notes at par, so long as he will receive them on the next

day at par, in payment for stock at ten or fifteen per cent depreciation, but it will be impossible, in the nature of things, that he should be able to find purchasers for any other use.

"Can this consequence of the act be avoided? Suppose the Secretary should decide, as I think he cannot correctly, that he will not consider the bid for the stock a public due within the meaning of the treasury note laws, and that he will not take the notes in payment for it? The bidder will only be required to command the money for a day, and while he is paying his money for the stock with one hand, employ the other in presenting his treasury notes for redemption. He must thus reach the same result, with a very little additional trouble. I have named ten per cent as the depreciation of the stock in the supposed case; but have we any assurance that, in this mode of sale, the depreciation will be confined to this limit? On the contrary, is it not as likely that it will be fifteen per cent or even more than that? The six per cent stocks of New York have been sold as low as eighty, and are not now current in the market at eighty-five, and I do not believe there is a capitalist in the Union who does not believe and feel that the stocks of the State of New York are as secure, and the payments of interest upon them, and ultimate redemption of the principal as certain, as are those payments upon the stock of this government. As a mere investment to be held, therefore, I believe the capitalists of our own country would as soon have the one as the other. What, then, is to make these six per cent stocks, offered in the open market for what they will bring, command even ninety cents, when the New York sixes will not command eighty-five? Holders and purchasers who may wish to remit the stocks abroad may prefer those of this government, under the impression that, in the markets of other countries, the paper of the common government will be preferred to that of a single State; but will this ground of preference be equal to five per cent upon the stock? I do not believe it will.

"This brings me to a consideration of the influences which this bill may be expected to exert, nay, must exert, upon the credit and interests of the indebted States. The most of them have very large amounts of stock upon the market, and the most of those which are yet struggling to preserve their faith and meet

their obligations must make further loans. The credit of this government has been hitherto looked upon, during this period of embarrassment, by the whole world, as a sort of standard of American credits,—a standard from which the credit of most of the States has fallen sadly away, and thus caused the most severe pecuniary difficulties now resting upon the country. What are we now called upon to do? Put that standard upon sale at auction, and dispose of it for what it will bring in an embarrassed and glutted market! Still, it must and will, for a time at least, remain the standard; and, depress it as you may, the States must take their places, in the public estimation, at about the same distance below it which they now respectively hold. How, then, are they to be affected? The six per cent stocks of South Carolina, I am told upon authority on which I must confidently rely, continue to command a very small premium in her own markets. The amount she has issued is small. The six per cents of Massachusetts are, I believe, about par, perhaps at par, and her debt, too, is not large. These, I think, are all which are not depressed. [Mr. Evans remarked that the six per cents of Maine were at par.] I ask the gentleman's and the State's pardon. I was not aware of the fact, but am rejoiced to hear it. That gallant State has few stocks of any description in the market—only such, I believe, as have been issued to raise means for her defense—and her credit ought to stand high. This, I presume, closes the solvent list. All beyond is depression and depreciation with the States, and this measure cannot fail to produce the same result with this government; and when the six per cent stocks of the United States shall be depressed to ninety or eighty-five or eighty cents, how will those of South Carolina and Massachusetts and Maine stand? They must and will be still lower. And if such is to be the influence of the bill upon the State stocks which are not now depressed, who can measure its destructive influence upon those which are?

"Let me entreat Senators to turn back their recollections, and trace the brief history of the embarrassments now resting upon the country. Individuals first embarked beyond their means, and when they found a necessity for support they resorted to the banking institutions, and rested their credit upon them. Soon the load

became too heavy; the banks found themselves trembling under it, and they turned their attention to the States for support, and commingled their credit and means with those of the States of the Union. Here, again, the result of the efforts was the same. The defective portions of the mass were not raised to soundness and solvency, but the sound portions sunk to insolvency. Then the credit of this government became the object of universal interest, and certain suffering interests and certain classes of politicians and financiers have seemed to suppose that it was a pillar in this wide waste which could not be thrown down; that if the whole depreciated mass of State and corporate and private credit could be placed upon it, soundness and health would be instantly infused throughout the whole. How mistaken and fallacious the idea, as our fresh and painful experience ought to prove to us! What was sounder than the credit of the State of New York, until these excesses commenced? This government never did have, and never can have, a credit more sound or more proud; and yet that has yielded and failed. How has it fallen? Partly from the load heaped upon it, unsupported by visible and tangible means, but more, much more, from the mad and dangerous policy which was seen to govern its use. It was not enough that it was made to bear, without new supports, the accelerated demands of the extended and extending State works, but it was loaned with profusion to incorporated companies, to supply the means for private enterprises. No dollar of the stock of the State, so far as I am aware, has ever yet been sold by the State, or under its authority or for its benefit, at a price below its par value, and I do not think there is even yet to be found, upon the statute book of the State, a law to authorize such a sale. The State has never yet forfeited one particle of its faith with regard to its stocks. The interests have at all times been paid, at any sacrifice, in specie or its equivalent, and redemptions of principal have hitherto gone far in advance of the obligations. Still, the stocks of the State are now below par in the market, and are daily selling at ruinous depreciations in the markets of the State itself. Why, I shall be asked, is this so? A proximate cause has undoubtedly existed in the great depreciation of the stocks of most of the other States, but the principal and active cause has

been in the manner of disposing of those stocks which were loaned to incorporated companies. The emissions for the last few years have been more rapid than the market would bear, and still the laws prohibited a sale for less than par. These companies, finding it impossible to secure purchasers at par for the large amounts they were frequently offering for sale, finally adopted the practice, as I am informed, and I suppose truly, of having the stocks advertised and sold in conformity to the law, and purchased in at par for their own account, and then of throwing them upon the market *for what they would bring*. In this way, I am told, it is that the six per cent stocks of the State have gone down to eighty and eighty-two cents, and its four and a half and five per cents have been almost entirely driven from the market. Here, too, may most likely be found the reason for the wide difference, which the honorable chairman referred to, between the prices in the market of the different emissions of the six per cent stocks of that State. The manner in which these companies have sold the stocks issued to them has been calculated to bring distrust upon the stocks; and the fact that several of them have already failed to meet the payments of interest, and declared their inability to continue them, cannot have failed to diffuse and strengthen that distrust. Hence these stocks do not sell as well as those bearing the same interest, which rest exclusively upon the State. There is, however, no foundation whatever in fact for this alarm as to these stocks. The State recognizes no difference, knows no difference, in its faith and obligation to the holders, between these and any other of the stocks it has issued. It admits its full and perfect liability upon all, and will fulfill those obligations to all. It has, in every instance, paid the interest upon these stocks, when the companies have failed to do it, and will continue to do so. Still, Mr. President, all these things have brought upon the State great and pressing embarrassments. The almost exclusive attention of its Legislature has been devoted to extricating it from its financial difficulties, from the time of its meeting, at the commencement of the year, to the present hour. That body has met the crisis with a firmness and integrity becoming the representatives of a free and patriotic people, and have adopted measures and laid

the foundation of a policy which I had felt proud to think was worthy of all imitation. It has shown that if the faith or credit of the State is to be dishonored, not upon its members is to rest the stain of either. It has relied upon the intelligence and patriotism of the constituent body, and has adopted measures not to borrow, but to pay; not to expand, but to retrench; not to tax posterity for the benefit of the present generation, but to tax themselves and their fellows of the present generation for the expenses of the present time, that their posterity may be left as free from mortgage and from debt as their ancestors left them. Recognizing and asserting the honest principles that the public faith must be preserved and the public debts paid, and that payments, not loans, extinguished debt, they have imposed an onerous tax upon all the property of the State, real and personal, while they have almost stopped expenditure. This, I am very well aware, is reversing the course of the fashionable financiering of the day, which is to borrow and not pay, to expend and not tax. Is it, however, reversing those sound old-fashioned principles, by and upon which our citizens and our country have become rich and prosperous? I think not. A loan of money is always a matter of choice, either with an individual or a government. The payment of a just debt is always a moral duty. The expenses of a government are always within its power. Its measure of taxation is not, when the expenses have been incurred and the debt contracted in advance of the means of payment. Such has been the condition of the Legislature of my State, and it has manfully acted upon the case presented to it. It has done all which it is in its power to do, as direct taxes cannot bring immediate means; and yet the faith of the State cannot be protected, and its interests preserved, without further loans.

"Upon what terms can those loans be obtained, if $11,000,000 of the six per cent stock of this government, with twenty years' life, are thrown upon the market, and sold at auction for what such stocks will bring? Can a State obtain loans at all under these circumstances, in the present depressed state of the money market? What amount of money do gentlemen suppose can be drawn from our community, at the present period,

under any degree of temptation, to be invested in permanent loans?

"I hold in my hand a copy of a report from the Committee of Ways and Means of the House of Assembly of the Legislature of New York, and it is the document upon which its present financial measures and policy have been rested. This report tells me that an immediate deficiency of more than $3,600,000 exists in its means to pay the debts of the State now actually due, and to fall due within the first half of the present year; to put its canals in a state of repair for the spring business, and to carry on its government. A large portion of these instant debts are due to the banking institutions of the State, now under all the pressure they can safely bear, and requiring all their legitimate means to sustain themselves and furnish their proportion of the facilities for the present limited business of the country. More than $1,500,000 are now due from the State to its banks, or are to fall due within the period last named, for temporary loans made to close the business of the last year. The State has a stock debt of all but $23,000,000, and an actual debt of nearly $26,250,000. Of its stock debt more than $3,600,000 are held by the chartered banks of the State, and more than $1,100,000 of the stock constitute so much of the capital of what are usually denominated the free banks of the State, and are the basis upon which these institutions are issuing to the people of the State and the country a paper money.

"In this condition of its affairs, and with this mass of credits outstanding and thus held, what amount of evil to the credit, the prosperity, the business of that State is not to be apprehended from this measure! The able and intelligent committee, from whose report I read, have discussed the question of throwing the stocks of that State into the market 'for what they will bring,' and they repudiate the policy, to use their own strong language, 'as a *moral*, and therefore the strongest *impossibility*;' as a measure calculated to sink the credit of the State '*to a grave from which it will have no resurrection.*' And yet, when the State thus rejects this ruinous policy for itself, it is to meet more than the worst consequences which could flow from such a course on its part, by the offer of the credit of this government in market

overt 'for what it will bring,' and that to the extent of eleven and one-third millions.

"Can that State or any other, Mr. President, enter into competition with you in this game of ruin? I hope, sir, I speak safely when I say *that* State will not. Her pride, her patriotism, her justice, forbid it. Shall she present herself on change and see if she cannot sell her faith and credit and honors cheaper than you will sell yours? No, sir; no. Her faith may be violated, but it will not be thus violated; and if you will thus force her to do so, she must stand aside from the market, pay her interest faithfully to her creditors, and compel them to wait for the principal until you shall have obtained the loans you desire or shall have so cheapened your credit that it shall be no longer a bar to her access to the money market. You have the advantage over her in this attempt at least: she has no treasury notes outstanding in which her stocks may be paid for at a profit of from ten to twenty per cent. The avails of her loans, if she makes any, must be money, not her own credit after she has herself depreciated it, and for this reason she cannot compete with you.

"If you would elevate your credit to par, and limit the rate of interest you would pay for money, the States might know upon what terms they could meet you in the market; but when you propose to submit the whole 100 per cent to the range of the speculator, you will be very likely to get rid of competitors as well as of your credit, for no individuals and few governments can run such a race with you.

"The honorable chairman tells us it will not do to give the bill that shape, because capitalists will be sure to propose only for the highest rate of interest within your limit. That such would be the tendency of self-interest I freely admit; but that such is not the necessary or inevitable consequence is proved by the loans which have been already taken under this original act. The limit there was six per cent, and yet a part was taken at five and two-fifths, more than one-half of the whole at five and a half, and but little more than one-third at the limit prescribed. Yet, suppose the honorable chairman right in his position, and that you were to fix the limit at eight or nine, or even ten per cent, does he not see that then some four or five per cent would be the

whole range offered to speculation; while, by offering the stock at auction in the market for what the bidders shall choose to bid, he opens the whole extent of the par value of the stock itself to the pleasure of the purchaser? He says this mode of sale will excite competition; would not the other? And if it be true that no man would offer for a less rate of interest than the maximum you should name, is it not as true that no man will offer par for a stock which you offer to sell in the open market at a depreciation? Surely, if his argument upon this point proves anything, it proves too much, and shows conclusively that you should open the most limited field to the speculating purchasers, if you would guard the interests of the treasury.

"And, why, Mr. President, are we driven by the majority upon this desperate resort? To protect the land revenue for the States; to enable us to distribute to them their respective portions of this branch of the revenue of the common treasury. I have given you, sir, a very brief sketch of the present financial condition of my own State, and let me now see how her interests are to be affected by this policy. Her credit is now depressed, and her extremest effort is now put forth to raise it again to par, that she may borrow some $3,500,000 to meet her immediate necessities. Your policy, if adopted, cannot fail to keep her stocks at their present depressed point, if it do not sink them even lower; and, as a necessary consequence, if she borrow, she must do it at a loss of some twenty per cent from the par value of her obligations. This, upon $3,500,000, will be a loss of $700,000. Now assume that the land fund for the present year will be $3,000,000 — a sum beyond that which the friends of the distribution policy seem now to suppose it will be — and that the State of New York will be entitled to one-sixth of the whole, as her distributive share, while one-seventh, and perhaps one-eighth, will be her full dividend under the present census. This would give her $500,000 from the land toward the $700,000 she must sacrifice upon her credit, upon a loan of $3,500,000 only, in consequence of the extreme measures you adopt to save this distribution fund for the States. Such must be the practical effect upon one of the States of your kind attempts to fill her treasury, to say nothing of the liability of her citizens to refund to you in

taxes, not simply the money you give to the State, but so much more as will pay the costs of collection and the loss you sustain upon the sale of your stocks at auction, to replace to your treasury the money you thus give away. May not her people, under such circumstances, most justly say to you, spare us from your favors of this character? Retain your revenues to meet your own wants and sustain your own credit, and leave us to our own energies and our own means, unoppressed by your depreciated credit and increased taxes.

"Pursuing the same train of injurious consequences, I will now consider the influences of this measure and this policy upon private credit, and the trade and business of the country generally; and, first, upon the banking institutions. Upon whose hands do the solvent banking institutions of the country rest? Most certainly upon those of the capitalists and money lenders of the country. From whom must the capital be drawn to take this loan of more than $11,000,000? As certainly from those same capitalists and money lenders. From the banks, then, and through them from the business classes — the money borrowers of the community — this vast sum must be drawn, at a period when every department of business and industry is suffering under extreme pressure, amounting almost to perfect stagnation. The private deposits in the banks must first be called out. Then hasty and forced collections must be made from their best customers, and then, if need be, their stocks must be forced upon the market and sold at ruinous sacrifices, to accumulate this fund for speculation upon the credit of the country. The very structure of the law is such as to invite these consequences. The bait presented to cupidity is no less than eleven millions and one-third of twenty-year six per cent stocks, to be sold at auction for what they may chance to bring. Will it, can it, be resisted, from any regard to the safety of the banks or of the business of the country? The pressure, too, must fall principally, if not exclusively, upon the specie-paying banks, and consequently upon limited portions of the Union. I have already referred to the fact that some $5,000,000 or $6,000,000 of what should be the immediate and available means of the banks of New York exist in the stocks of that State. These stocks are to be, neces-

sarily, further depressed by this measure, and, after that influence is exerted upon them, it is to force the sale to enable the banks which hold them to meet the pressure which the accumulation of $11,000,000 of cash capital cannot fail to occasion at a period like the present. So with the $5,500,000 of the stocks of this government which have been already issued under the original act. They were almost entirely taken by the banks of New York and the eastern States, and there is every reason to suppose they are principally yet held by them. Can these institutions continue to hold, when the requisitions for this $11,000,000 shall be made upon them?

"Again, the very manner of the proposed sale is to increase the money pressure to an incalculable extent. It is to be upon sealed proposals. These may be made to two or three times the extent of the stock to be sold; and yet, as no one can tell whose proposals are to be rejected, all who offer must be prepared with the means of payment in case their offers shall be accepted. In this way the measure is an invitation to the whole cash capital of the country to withdraw itself from the ordinary business channels in anticipation of this great auction, while the simple fact that the extent of the speculation which may be made is wholly indefinite, and not susceptible of being brought within any rules of calculation, constitutes the strongest and most certain incentive to this dangerous and ruinous movement of capital. Indeed, Mr. President, I seriously apprehend that this singular measure may again close every specie-paying bank in the country; and if your treasury notes do not prevent it by constituting themselves the means of payment for the largest portion of this loan by that anomalous, and, to the public treasury, ruinous exchange, which I have anticipated, I see no way that this consequence is to be averted.

"If such apprehensions are justly entertained as to the solvent banks, what consequences must be anticipated from the influences which the measure will exert upon private credit, and upon trade and business generally? What merchant can borrow money upon his business note, when the credit of this government is pressed upon the market at a depreciation, and forced off at auction for what it will bring? What mechanic or manufacturer

can command capital to carry on his business against such a competitor and such competition? It cannot be done in either case. Regular business must and will be broken up or suspended, until the influences to be visited upon the money market by this rash policy shall have passed by.

"There is another aspect, however, in which it becomes Congress even more anxiously to weigh the probable effects of this ominous proposition. I refer to its probable influence upon our future revenue from the customs. We must not forget that, after the thirtieth day of June next, all duties are to be paid in cash, in ready money. If, then, we close the banks, or compel them to suspend their usual accommodations, by making this loan in this manner, and if we cripple the merchants by the same proceeding, how are our imports to be continued, and from whence is the money to come to pay cash duties? Will the banks lend money upon their usual terms, when they can invest it in our stocks, bearing an interest of six per cent and having twenty years' life, at the rate of a dollar of the stock for eighty or eighty-five cents in cash? Will capitalists deposit their money in the banks when they can thus invest it, and when the stocks of States, which are equally secure, are pressed upon them at still more advantageous rates? No, sir, such self-denial is not to be anticipated from the workings of private interest. It will not be experienced. Your measure must and will bring business to a stand-still, arrest the import trade, and cut off the future revenue from customs, unless the agency of the outstanding treasury notes shall be made to ameliorate its influences upon the banks and business men. In that case, while it may be less destructive to the country, it will be inefficient to the treasury, as the redemption of the notes, at however severe and unnecessary a sacrifice to the treasury, will bring no means to meet future expenditures.

"View this measure, then, Mr. President, as you may, and in addition to its influences of unmixed evil to the credit and interests of the States, and to the banks and business of the country, its action must be in competition with the true interests of the treasury itself. If it shall turn out in practice to be but a funding act for the treasury notes, it provides for their redemption in the worst form and most disadvantageous manner, adding greatly to

the burdens of the treasury, and bringing little or no means to its aid; while, if it shall prove to be a cash loan, it must produce a pressure which will arrest trade, cut off the revenue from customs for the remainder of the year, and in that way deprive the treasury of means equal to a very large portion of its proceeds. I believe in my heart, in whichever form the bill shall act, that you will not be able to bring to the treasury, through its instrumentality, so great an amount of useful and needful aid as it would receive from a resumption of the land fund and the ordinary accruing revenues from other sources. Will the Senate adopt such a measure for the sake of such questionable prospective benefits? I most earnestly hope not.

"I may be asked by the friends of this bill, what shall be done? And I admit that the inquiry is fairly made. I claim, Mr. President, but a small portion of the wisdom necessary to answer safely and properly such a question, but I say unhesitatingly, do anything, do nothing, rather than pass this bill in its present form. Call back the land fund, and pledge it inviolably to sustain your credit and meet the interest upon your loan, and then fix your stock at par, and give an interest which will command the money. I think six per cent and twenty years' time will do it abundantly, and I do not doubt the prompt subscription of the amount you require, if books were to be opened upon these terms; but if six per cent would not, seven would. Then you would meet all competitors fairly in the market, and make the actual value of money the standard of success.

"Bring down your expenses from the $25,000,000 or $26,000,000 per annum, which you now propose, to $20,000,000, to $18,000,000 if need be; restore the land fund to the treasury and increase it by pre-emption and graduation bills, which certainly will increase it immediately; offer your fresh lands for sale, and live upon the means you can thus command, until you can improve your revenue from customs, or obtain loans upon terms reasonable in themselves, and which will not spread ruin over the States, and prostrate the business of the country. Do gentlemen forget that cash duties are hereafter to be paid in all cases of revenue from customs, and that consequently an increase of the tariff is to be an instant supply of revenue, if the rate of duty be made suffi-

cient and the importations continue? There is no longer to be a system of credits to postpone the influence upon the treasury of this part of our legislation. Why, then, borrow money for twenty years at all? And certainly why put the credit of the country at auction, when relief is so easily reached and can so instantly be made effectual? If the pledge of the land fund does not bring you loans upon reasonable terms, it will bring you means to the amount of $3,000,000 per year at the least, and if improved as suggested, may bring you $5,000,000, for a period sufficient to enable you to improve your other sources of revenue.

"If these things cannot be done, follow the noble example of New York; lay taxes, direct or indirect, or both; stop expenditure beyond the means which the lands and the customs will supply; fund the outstanding treasury notes as you propose to do in this bill, and wait until the money market shall improve, or until you can realize an adequacy of means from your improved revenues. Again, I say, do anything, do nothing, rather than propose to sell your credit in the open market *for what it may bring.*

"We are daily told, Mr. President, that our foreign relations wear a threatening aspect. I do not pretend to be intimately or extensively acquainted with those relations, nor have I ever made myself an alarmist respecting them; but this I do feel authorized to say, that there are causes for just uneasiness in more than one direction, and especially in our British relations. And is such the time we should select to offer the very standard of American credit for sale at auction in the markets of the world? Is such the period when we should make ourselves willing to put our bond upon change in the metropolis of that proud country, guaranteed by the credit and faith and honor of this Union, and make our supplicatory appeal to her bankers and brokers to give us a bid for it? I cannot think so."

The bill passed by a vote of ayes 26, noes 18, and was sent to the House, where it passed, and, being approved by the President on the fifteenth of April, became a law. It extended the time of taking the loan of July 21, 1841, authorized an additional loan of $5,000,000, and gave six per cent interest upon treasury notes theretofore issued, or to be thereafter issued, when overdue and unpaid.

Mr. Wright to John L. Russell.

"Washington, 18*th June*, 1842.

"My Dear Sir. — I have delayed an answer to your letter on the subject of the land, principally because I have been so deeply engaged in writing out a heavy speech of forty-five closely written foolscap pages, that I have scarcely read my letters and have not tried to answer them. The speech I delivered at the printing office at nine o'clock last night, but found I could not get it out till Wednesday. I will send you a copy, and, tax as it will be, you must read it, for the whigs say I am turning nullifier. It is upon the districting provision of the apportionment bill. You will see by the papers that that bill passed yesterday, by a somerset in the action of the House as singular as many things we see here nowadays. The ratio is 70,680, so that it will keep us and Franklin together. Webster's representation of fractions is included, in the face of Washington's veto, and this district provison is also, in two features in our law, much more flagrantly unconstitutional and dangerous, in my judgment, than anything in the old alien and sedition laws. And yet, those who call themselves our friends have sustained both and been the cause of the adoption of both.

"I never heard Benton talk in a strain of despondency for our institutions until yesterday, and I have never seen a time when I thought them in such deep danger. The very weakness of the executive and the distraction of the whig party lays the foundation for the dangerous state of things. It has practically disbanded our party here, and it is utterly impossible to keep our friends together, or to rouse their vigilance. They have made up their minds that Tyler can do no harm, and while the worst possible measures are daily springing up and passing along they will not look until they are beaten, and then they will mourn for half an hour and go to sleep again. At the extra session, and before it was ascertained that the whig party would have the President, our minority was grand, but now the vitality is gone because the opposing force seems to be broken.

"Another consequence of this state of things is, that everybody wants to be president, and expects to be, and the aspira-

tions of this sort are cutting our minority into cabals, and all are intent upon pushing forward their favorite as they think, while federalism, silent and busy, is breaking up the very foundations upon which all these little parties are trying to array themselves. But I have not time to write a political letter, or a letter of any sort, and my object, when I began, was to answer you about the land.

"I dare not engage with you in the land trade, and I have been so reluctant to say that, knowing your anxiety about it, and believing, too, very much as you do, that the trade would be a good one, as to have made me delay writing. One of my reasons for fearing to do it is the present condition of my cash affairs. I have got already too large a proportion of my small means in an unproductive condition, while that portion which is on loan, although I believe mostly secure, cannot, in these times, be depended upon to raise money, as you well know. My grist-mill interest, which you know was very good, has now become a doubtful interest, to say the least. My saw-mill interest, which I took under a sort of compulson, cannot be very good any way, and is most likely to be very bad at the best, though for the last year I hope to redeem some of the expense upon it, and for this year hope the expense may be light, while I know the income must be. Then I purchased, last fall, the Hutchinson property, and, in addition to something yet due for the purchase-money, I must expend money upon it, and purchase more to it, to make it what I intended; then I owe my poor brother a large amount, and no one can tell how soon I shall be called upon to pay it. It is all on loan, but I must pay when called upon. If he was yet sane enough to put his capital in that purchase, I should delight to pay him in full, and let him go there and take that interest which, with his mind, would be just the thing for him, but the poor fellow has not the mind. All these things have passed in review upon the subject.

"Then for myself. If my friends would permit me to leave public life on the fourth of March next, as I yet think they will, but if I knew that now, I could cheerfully engage with you in the purchase of the land, and would devote myself to the settlement and improvement of the tract, and I believe I could bring 100 good

Vermont families upon it by one year from the next spring, and then men to build the log cabins one year from this fall. If, however, I am compelled to follow politics, it would be dangerous to my circumstances to contract this debt, and the interest would be one which might be more likely to call for means than to contributé to them. It would give trouble and anxiety and not profit, while in that case I ought now to turn everything into money and make all as close as possible. When I made the Hutchinson purchase, it was to make me business when I should have leisure. If I have the leisure, it will be well. If not, it will be a bad investment, and it will not do for me to multiply such.

"I have written with constant interruptions and scarcely know what I have written, but you will see, from what I have said, why I fear to embark in the purchase. If nothing is done until I see you, I shall be able to explain more fully my whole views about it; but in the mean time I give you full liberty, if you can make arrangements to suit you, to make the purchase irrespective of me; and if you shall desire me, for any cause, to see Mr. Fowler on my way home, I will do so.

"You asked me for the tables of the census. We have as yet received nothing but the enumeration, and that is a volume so large I dare not send it by mail. I have reserved a copy for our academy, as I shall of the whole set, but shall send them home in a box. I receive five sets, and four are disposed of in this way. If the enumeration by counties will be of service to you, I can send a small document which will give you that. I supposed you wanted the statistics; we have not yet a sheet of these.

"Please let me hear from you on both these subjects fully, and I will try to be more attentive to your wishes.

"In very great haste, I am truly yours,

"SILAS WRIGHT, Jr.

"John L. Russell, Esq."

CHAPTER CIII.

REFUNDING GENERAL JACKSON'S FINE.

General Jackson and the troops under him fought the ever memorable battle of New Orleans on the 8th of January, 1815. Although sadly repulsed, the British forces retired only to the distance of a few hours' sail from the city. Rumor, through British officers, brought intelligence that a treaty of peace had been signed at Ghent, between the British and American governments, which was not communicated by our government to Gen. Jackson until long afterward. His men, and especially those enlisted for "during the war" became restive, uneasy and finally mutinous. Without orders from head-quarters he dare not allow their departure, or venture to relax the usual camp discipline to secure and protect his position. This would have been a dangerous breach of a high military duty. Many persons, and among them a member of the State Legislature of Louisiana, were engaged in fomenting the discontent which was fast spreading among his men, and threatening serious consequences. The General felt it an imperious duty, growing out of a palpable military necessity, to control his men and protect his position. Martial law presented the only means within his reach to remedy the pressing evil. The order he issued was not a general declaration of martial law, but was limited to four specified things, easily performed, and common on all camping grounds. An article published in a local paper, designed and intended to spread the mutinous feeling, written by Louallier, a member of the Assembly, induced his arrest and confinement by Gen. Jackson. Judge

Hall, a District Judge, issued a writ of *habeas corpus* requiring Gen. Jackson to produce his body, which he refused to obey, because obedience, under the surrounding circumstances, would have subjected him and his army to the control of the Judge and left him without the means to protect it or the city, in case the enemy should return. Believing that the Judge was in league with the mutineers and those promoting disobedience, the General sent him under guard out of his lines. The next day, the 13th of March, authentic news of peace was received, martial law ceased to exist and Judge Hall returned to the city. The Judge ordered Gen. Jackson to show cause why an attachment should not be issued against him for contempt of court. He appeared before the Judge and offered to show cause, but the Judge refused to hear him; nor would he permit his defense in writing to be read or filed, but proceeded to fine him in the sum of $1,000, which the General paid, refusing to receive the amount from others who proffered it. During his active life, he refused all proffers of friends to cause it to be refunded. When Dr. Linn, a Senator from Missouri, introduced a bill in 1844 to refund the fine, with interest, he wrote thanking him, and added:

"It is not the amount of the fine that is important to me; but it is for the fact that it was imposed for reasons which were not well founded, and for the exercise of an authority which was necessary to the successful defense of New Orleans, and without which, it must now be obvious to all the world, the British would have been in possession, at the close of the war, of that great emporium of the west. In this point of view, it seems to me that the country is interested in the passage of the bill; for exigencies like those which existed at New Orleans may again arise, and a commanding general ought not to be deterred from taking the necessary responsibility by the reflection that it is in the power of a vindictive Judge to impair his private fortune and place a stain

upon his character which cannot be removed. I would be the last man on earth to do any act which would invalidate the principle that the military should always be subjected to the civil power; but I contend that, at New Orleans, no measure was taken by me which was at war with this principle, or which, if properly understood, was not necessary to preserve it."

The bill passed the House by a vote of 158 to 28, and the Senate by the following:

"*Ayes*—Allen, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, Graham, Henderson, King, Linn, McDuffie, McRoberts, Manyum, Rives, Sevier, Smith of Connecticut, Smith of Indiana, Sprague, Sturgeon, Tallmadge, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, Young—28.

"*Nays*—Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Huntington, Kerr, Midrick, Miller, Morehead, Phelps, White, Woodbridge—20."

The joint resolution directing the refunding of the $1,000, with interest from March 31, 1815, became a law on the 16th of February, 1844.

When Senator Linn's resolution was up on a previous occasion for consideration, on the 18th of May, 1842, Mr. Wright thus addressed the Senate:

"Mr. Wright said it appeared to him that issues were being tried, in the course of the action of the Senate upon this bill, which had not been anticipated by the friends of the bill when it was introduced, and which the bill itself did not make. Those issues, he thought, it would be best still to leave untouched, in case it should clearly appear that the action of the body upon the subject before it could be fairly perfected without opening them.

"He rose for the purpose of stating, in the shortest space of time in his power, the impressions which the bill, and the action of the Senate upon it hitherto, had made upon his mind. He was bound to confess his reflections had not been such as his feelings would have impelled him to give, if other subjects, with which he was more peculiarly charged, had not occupied too much of

his attention, and that his examinations had not been such as the intrinsic importance of the measure called for. Still, his own view of the question really involved enabled him to act without embarrassment; because, as he had already said, he was convinced that the issues of law, upon which so much time had been spent in debate, were not really made in the passage or rejection of the bill.

"Among the first objections advanced was the one that Gen. Jackson was not himself a petitioner for the repayment of this money. Why, it had been asked, was this bill put forward, when it did not originate with him — when he had not even asked it?

"It was altogether unnecessary to have made this declaration to any person who ever knew Gen. Jackson, and estimated, to any, the slightest extent, his real character. He ask for the repayment to him of this paltry sum of *money!* No, sir, never. He is not, thank Heaven, in want; but if he was, he would never make such a supplication while the same means to preserve himself from starvation were within his reach to which he was compelled to resort while holding your high commission, wearing your proud badge, and depending upon your treasury for the supply of the wants of himself and his brave companions in arms. He does *not* apply, as he should not apply, for this money; but he does — as every man careful of his hard-earned reputation could not fail to do — feel deeply for the result, since the action has been originated without his interference. This is shown by his frank and manly letter to the honorable Senator from Missouri [Mr. Linn], which has been read at the clerk's table. Does that seek to mix these vexed questions of law with the action of Congress upon this bill? Does that charge the Judge or his country? No, Mr. President, not in a word. It displays the deep and just feeling of the writer for his own character and reputation, and clearly exhibits his conviction that he may be relieved from the censure of history, without accusation against others. He manifestly refrains from expressing what he feels, and believes in his heart the truth would warrant him in saying, of the proceeding which placed him a criminal before the bar of his country, and within the power of this single Judge.

"Why, then, are these questions raised? and what are they? He took them from the debate upon this bill, and, as thus indicated, they were:

"1st. Was there sufficient ground to justify or warrant Gen. Jackson in proclaiming military law at New Orleans, at the time he did proclaim it; he being then the commander of the military forces of the country at that point?

"2d. Did he continue to enforce martial law after he was authorized to believe its necessity had ceased?

"Out of these inquiries grow all the legal questions which have been raised and discussed, and which can affect the conduct of the General or the Judge, whether tried before a court-martial, the judiciary, here, or before the people.

"He could not see the necessity of agitating either of these questions upon the present occasion at all; and, if not necessarily involved in our action upon the bill, it seemed to him to be exceedingly desirable to avoid them altogether. He repeated, that he could not see that either of the questions was necessarily or naturally involved in the enactments of the bill, or that its passage would imply, directly or indirectly, any expression of an opinion on the part of Congress upon either of them.

"That he might make himself more perfectly understood in the few remarks he proposed to offer, he would ask the Secretary to read the bill as it was originally introduced by the honorable Senator from Missouri [Mr. Linn], and as it was returned from the committee of the Senate, and presented for its action at the opening of this debate.

"[The Secretary of the Senate read the bill in the following words, viz.:

"'*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the proper accounting officers of the treasury be and they are hereby directed to ascertain the amount of the penalty or damages awarded by the District Judge of the United States at New Orleans, in the year 1815, against Major-General Andrew Jackson, then Commander-in-Chief of that district, for official acts in that capacity, and paid by him at that time; and that the sum so paid, with interest at six per cent per annum, be paid to Major-General Andrew Jackson out of any moneys in the treasury not otherwise appropriated.']

"He must now be permitted to say, if he could for a moment feel that the amount of money involved in this simple enactment was the question of importance presented to the Senate, he would not spend about it the breath which it cost him to utter a single sentence, or even a word in its favor; and yet he would do far more to favor the measure, in that aspect of it, than would that venerable patriot for whose pecuniary benefit it seems to have been framed. Why, then, it would be asked, had that distinguished soldier and citizen manifested so much interest in our action upon it? His letter, to which Mr. W. had already referred, was a full answer to the inquiry. His anxiety is there shown to proceed from a worthy desire to leave to his posterity and to his country a reputation, earned through hardships and sacrifices and dangers, discharged from the imputation of criminal intention; to prepare the way for the truth and impartiality of history in relation to the most trying incidents of his life, and to put at rest the possibility of a doubt that his acts, whether within the technicalities of the Constitution and the law or not, did then, and do still, meet with the recorded approbation of his country.

"Is it strange, Mr. President — I appeal to you and to every Senator — is it strange that this aged and faithful public servant should so feel and so act? Is he not authorized to believe that, at the least, 'he has done the State some service?' And now, at the extreme verge of life, when the excitements and emoluments and honors of public employment present no further inducements to him, is it either strange or censurable that, during his few remaining days, he should manifest an honorable anxiety that history may do him justice? Here is a single but most important incident in that eventful life, surrounded by vexed questions of constitutional and legal construction. But has any one asked Congress — does this bill ask us — to solve these questions, and express our opinions upon them? Are we called upon to say whether Gen. Jackson's proclamation of martial law was, in a technical legal sense, right or wrong, or whether he continued to enforce that law, within his encampment at New Orleans, a day or two longer than was indispensable to the salvation of that devoted city? He could not consider such to be the implications

from the measure as it is. He was sure no such intention existed in the minds of those friends of Gen. Jackson who had brought the bill forward and advocated it, and certainly its language called for no such conclusions.

"What would be the fair inferences from the passage of the measure in its present form? That his every act upon that momentous occasion was within the strict letter and rule of the law? No, sir; no. Do the political friends of Gen. Jackson ask you to say that? Not at all; and I believe in my heart that every member of the Senate will be his friend as to the passage of this bill, and will cheerfully say all which the bill calls upon them to say, if they will divest themselves of political prejudices and look at the proposition as it is. It is conceded by all that Gen. Jackson, upon the occasion referred to, acted precisely as, under the circumstances which surrounded him, he should have acted — precisely as the protection of the city of New Orleans and that important portion of the Union required he should act; and that he deserves, for his conduct in that memorable defense, the thanks and gratitude and approbation of his country. This concession is all the expression called for by the bill, by the friends of Gen. Jackson, or by the general himself.

"Yet we are told that this is not the mode in which the approbation of the country should be manifested toward this distinguished officer for his unexampled firmness and gallantry and success upon this great and glorious occasion; that we should pass a resolution presenting to him our thanks! Thanks, sir? The thanks of Congress were presented to him by the warm and cheerful hearts of those who occupied our places when his unparalleled services were better esteemed than they seem to be now — of those who were cotemporaneous with the transactions, and upon whom was reflected the sweeping and resistless torrent of a nation's gratitude and admiration. Thanks from us? They would come cold and dead, after the manifestations of feeling which the defense of New Orleans drew fresh and warm from every heart in the country, as the news of the glorious victory of the 8th of January, 1815, spread itself over our broad land.

"Is it desired to do justice to the fame of Gen. Jackson, as to the penalty imposed upon him by Judge Hall? Pass a resolu-

tion, says the honorable Senator from Louisiana [Mr. Conrad], directing a painting to represent the scene—the judge in his robes, and the victorious general bowing himself before the majesty of the law, and submitting, without resistance, to the penalty and punishment inflicted upon him for having taken the measures of precaution and security necessary to enable him to win the laurels which adorned the elevated prisoner. Hang that picture in a niche of the rotunda of the capitol, and thus make the General and his acts immortal.

"Sir, such a picture would be a proud one for the country, and especially for that distinguished General; and I should rejoice to see it gracing the Capitol of the nation. But will you write beneath it, 'we gained a thousand dollars to the public treasury by this operation, which has paid for this picture?' Will you hang the proud national emblem aloft in this marble palace, and invoke toward it the attention and admiration of all succeeding ages; and, in the very moment when you do so, make up a record upon your journal here, which must either disgrace the General, whose gallant services and patriotic forbearance gave the sketch for the painting, or must disgrace the country he so faithfully and disinterestedly served? The General, by his wisdom and valor, defended, with a handful of undisciplined militia, one of your proudest cities against a veteran enemy of many times his numbers. In doing so, he had, in the opinion of a judge and a lawyer, committed a technical breach of the law, and been guilty of a technical contempt of court. He was arraigned by the precise Judge for his offense, and within the very bounds of his military camp, in the hour of his proud victory, and in the presence of his gallant companions in arms, and of thousands of his indignant countrymen, he unresistingly permitted himself to be led to the bar of the court as a criminal, and there received the sentence of the law, and paid this $1,000 as the penalty for the offense charged against him; not a human being then, as since, questioning the purity of his intentions, or the wisdom of his acts. This is the event, it is said, we should commemorate by a national painting; and yet we are urged to refuse to refund the penalty thus incurred in our service; or, if we do refund it, to say, as part of the act, that it was worthily imposed. Will we, can we,

do this? No, sir; no. The heart of every man who occupies a seat here will tell him that he cannot do it; that he cannot vote for such a memorial to national honor and private merit, and place his vote at the foot of such a record.

"Of what use would be such a painting? The transactions alluded to are painted upon the heart of every American citizen, in living colors, with a pencil more true, in figures more full and animated, and by impressions more indelible than art can produce. All that those pictures require is, that you rub from them the stain of this unmerited penalty; and that, they do not entreat, but demand at our hands. He did not say *illegal* penalty, but *unjust* and *unmerited* penalty. The bill did not say either illegal, or unjust, or unmerited penalty, in language; but its passage will say a penalty which his country, and not its faithful officer, should bear. He incurred it by the performance of acts necessary for the defense of that country, at a period of imminent peril; and the simple repayment of the money, in the manner proposed by the bill, will say to him, and to all who may come after him, and be charged with their country's defense in time of war, that if the performance of their responsible duties shall bring upon them legal penalties, neither their private fortunes nor their hard-earned reputations shall suffer in consequence; but that such penalties shall be upon the country they faithfully serve, not upon its faithful servants.

"Does this bill, in its present form, propose to say more than this? Not one word. It does not say that the law was not technically violated; that the penalty was not legally imposed; or that the Judge was not honest in his proceedings; — but simply that the General acted as, in his conscience, he believed it was his duty to act; that he acted wisely for the object he had in view — the defense of an important and exposed section of the country against a powerful invading enemy; and that any penalties incurred by him, in the proper discharge of that responsible service, should be paid by the public treasury, and not by himself. Are not all ready to say this much in reference to transactions upon which the judgment of the country has been distinctly known, and known to be entirely favorable to the General, for a period of almost thirty years? Shall we not, then,

pass this bill in its original form; and thus simply pay back this money and the interest, and avoid all these technical questions, upon which no Senator, as a mere lawyer, may desire now to pass?

"This was his opinion of the course of expediency, of wisdom, and of justice; and hence he had said, at the commencement, that the Senate appeared to him to be debating questions which were not presented, and trying issues which were not tendered. In expressing these views, it had been his anxious aim to say nothing which should inflict a wound anywhere; and if, in the haste of remark, he had unintentionally let fall any expression which was offensive, it was cheerfully and fully recalled.

"It had been said, and truly said, that this proposition had been submitted to the Senate without any agency on the part of Gen. Jackson. It had come from his personal and political friends, and they had presented it with a full appreciation of their course, to a Congress, a majority of which, in both branches, are his political opponents. All this he believed to be precisely as it ought to be. The proposition should have come from his friends, not from himself or his opponents; and it should have been submitted, as it has been, to a Congress of his opponents. Complaints had been made of the delay which had been suffered in performing this act of justice to a distinguished officer. And it was asked: Why is this particular time, and this particular Congress, selected for its performance? He was ready to admit that delay — criminal delay — had been suffered, as several other periods had passed well suited for the presentation of this question to the assembled representatives of the nation. He was not himself without fault upon this point, for he had been for several years a member of this body before the coming in of the present Congress, when the opponents of Gen. Jackson held the majority here.

"Still, he trusted all would agree with him that further delay should not be suffered, and that this was a peculiarly appropriate period for this action. The public life of this venerable man is now finally and fully closed, and it only remains to make up its history. This act is essential to make that history what it should be, as well for his country as himself; and, surely, if it can be

performed at a time when, standing upon the border of the grave, it will soothe his worldly anxieties and smooth his downward passage to the tomb, he has not, and cannot have, an enemy here so bitter as to wish to delay the action. It will not be an objection to this bill that it was not presented when this successful soldier was at the head of the civil government of his country, and when — man of iron rule as his opponents charged that he was — the approval of the measure was with him. What would history have said after such an action upon such a bill? As one of his attached and devoted friends, Mr. W. rejoiced that it did not come forward at that period. He equally rejoiced that no Congress of his political friends, since his retirement, had originated it. In either case, selfishness toward him or political advantage toward his friends might have been charged as the moving inducement to the measure, and the truth of history might have been sacrified to such suspicions.

"For these reasons, he also rejoiced that the bill was here now, and to the magnanimity of his political opponents he chose to submit its fate. There might be those among them who think the General committed a technical violation of the Constitution or the law; but he was sure there was not one who would doubt the purity of his intentions or the patriotism of his purposes. He was sure there would not be one who, whatever might be his doubts upon the legal points, would not approve of his acts, under the circumstances which surrounded him and in view of the perils to our common country which it depended upon him to avert. There cannot, then, be one who will wish longer to withhold this money from him, or to make the distinct expression that his acts and his services, whether within the technical rules of law or not, are not entitled to the full and cheerful approbation of a grateful country.

"Let this interesting passage of our history go to the world in its true and proper light. Let every man act as he would have acted when the unparalleled services of this worthy officer were fresh before the country, and lively in the recollection of every one of its citizens. He had no disposition to question that every Senator would act from motives as pure, and hearts as warm, as those which governed him upon this occasion. He was perfectly

sure, if he possessed the power to impress upon the Senate the emotions which swelled his bosom, he should have succeeded in convincing its members that the passage of the bill in its present form was the simplest act of justice to a worthy public servant, and one which could not carry with it any implication unfavorable to individuals, or to any portion of the citizens of the country. If he could make them look with his eyes, they could not fail to see that the language employed, any more than the object contemplated, called for no legal adjudication either upon the conduct of the General or the Judge; but merely assumed that, whatever was done by the former, was done in the service of his country, with the best motives and for its best good; and that the country approved his course, and would bear him harmless, so far as pecuniary penalties were concerned.

"Still, it was due to truth to say that, when the proviso offered by the honorable Senator from Mississippi [Mr. Henderson] was first read to the Senate, he did not discover any insurmountable objections against it; but, after the graphic remarks of the honorable Senator from Virginia [Mr. Archer] upon it, the whole matter presented itself to his mind in a different light. Was there not substance in the suggestion, that the legitimate construction of our action, under the shape of it, would be, 'we repay to you the money with reluctance, and accompany our act with a *protestando* to posterity against an approval of your conduct.' That he might be well understood upon this branch of the case, also, he would further ask the Secretary to read the proviso, as it was now proposed to be attached to the bill.

"The Secretary of the Senate read the proviso of Mr. Henderson, as modified by himself, in the following words, viz.:

"'*Provided, always*, That nothing in this act shall be construed to be an expression of the opinion of Congress as to the legality of the proceedings of the Judge in inflicting the fine, or of the want of patriotism or fidelity of the citizens of New Orleans; but that this act shall be deemed and taken to be an additional expression of the sense of Congress of the high consideration in which they hold the achievement of Gen. Jackson in the defense of New Orleans, and of the services rendered by him and his companions in arms on that memorable occasion.'

"In its original shape, the proviso seemed to him to be but a negative upon the idea that the passage of the act was intended to pronounce the opinion of Congress upon the legality, in a technical sense, of the acts of the General or the Judge; but when the honorable Senator from Louisiana [Mr. Barrow] moved, as an amendment, the words 'or of the want of patriotism or fidelity of the citizens of New Orleans,' and those words, so moved, were accepted by the author of the proviso [Mr. Henderson] as a modification of his proposition, it was impossible not to see—he would not say the intention, but the effect of the whole provision, as connected with the bill. It was, in the language of the Senator from Virginia before referred to, to repay the money, and give a covered, but deep blow to the reputation of him for whose benefit the bill was ostensibly passed. This modification strikes at the very foundation upon which the General rested the justification of his course. He found an exposed and wholly defenseless city, and himself compelled to place great reliance upon the inhabitants themselves for the force by which its defense was to be attempted. He found further, or thought he found, within the city, persons who, if not willing to take open sides with the advancing enemy, were willing to give that enemy information of the defenseless condition of the place, and of the number and character of his force. Under such circumstances, to convert the town into a military encampment, environ it with his faithful and vigilant sentinels, and subject it to the rigors of martial law, seemed to him the only measures which promised safety to the persons and properties of those for whose defense he was called to act. With the decision and promptitude and firmness so characteristic of the man and the General, these measures were adopted, and the city and the country were defended and saved. Such is the sketch which history gives us of the memorable defense of New Orleans; and not a doubt has hitherto been expressed of the sincerity of the belief of the commanding General in the necessities which governed his course, or of the wisdom and patriotism of that course under his convictions. Its strict legality, then, is immaterial to this action. He was acting for the public. His sound discretion was his only, as it was his proper guide; and whatever penalties and amerce-

ments were necessarily incurred should be paid by the country he so faithfully and successfully served — not by him.

"Shall we, then, say, as a condition to the repayment of this fine, that there was no foundation for his suspicions — that all the persons then resident in that great commercial town were patriotic and faithful? Who are to be impugned, if we do not make the declaration? Those brave spirits who battled with that gallant General, and upon that field of victory and of blood proved their patriotism and fidelity? Those intrepid countrymen of ours to whom, as the citizens of New Orleans and the State of Louisiana, Congress, more than twenty years ago, voted its warm and grateful thanks for their services under Gen. Jackson? Are those men to be offended or injured by implication, because we do an act of tardy justice to their worthy General? Do they call upon us now again to indorse their patriotism and fidelity? No, sir; no. Cold, indeed, to them would be our expressions of confidence, after the warm burst of fraternal feeling which their bravery and good conduct drew forth not merely from Congress, but from every corner of the country, when the laurels they had won were fresh and green upon their brows.

"Not to protect them, therefore, or their sacred memories, is this proviso required; and, as the legality of the course of the Judge is not drawn in question, his protection does not call for it.

"Might he not, then, respectfully appeal to his friends in the majority, and ask if they were, by any proper consideration, called upon to adopt the proviso? All these transactions have long since become matters of history; and none will question that the country, with one voice, approved of the course of Gen. Jackson at the time, and approves of it now. Will they, then, permit political feelings and prejudices, having their origin in events long since arising, to influence their action upon a question like this? Had Gen. Jackson never been in public life since the defense of New Orleans, do they believe that a voice would have been raised, or a vote given, against this bill in its original form? He was not more exempt from political prejudices and partialities than other men, and, as he happened to be one of the politi-

cal friends of that distinguished soldier and statesman, it did not become him to say how far his friendly feelings and favorable opinions might influence his action upon this measure; but he could not suppress an expression of the belief that, if Senators could bring themselves to feel and act, on this day, as they would have acted upon the same day in the year 1815, it would not have been necessary to have taxed their patience with a discussion in favor of the bill before them, nor would a divided vote be seen upon its passage."

CHAPTER CIV.

APPORTIONMENT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES.

Soon after the returns of each national census are published, Congress, pursuant to the provisions of the Constitution, passes an act making a new apportionment of members of Congress, declaring how many each State shall have. Some States formerly elected by general ticket and some by single districts. Mr. Wright had been twice elected to the House in a double district. These questions were considered when the new apportionment bill came up for action. Mr. Wright presented his views in the subjoined remarks, made during the running debate, which were collected and published on the 31st of May, 1842:

"Mr. Wright said, his duty to his State constrained him to occupy an hour of the time of the Senate upon that portion of the bill now under consideration, and, as he knew how important it was that the bill should be passed as soon as possible, he was glad that the opportunity was presented to him to make the remarks he proposed to make at this late hour of the day — (three and a quarter o'clock, P. M.). He was aware that Senators must be fatigued, and he did not expect to be able to give an interest to this subject which would relieve their impatience; but he hoped they would indulge him to go on and close what he had to say this evening.

"That he might be clearly understood, and his suggestions have their just weight, it was necessary for him to remind the Senate that the bill proposed separate action under two distinct and wholly independent clauses of the Constitution. The first section was intended to apportion the representation of the several States, in the House of Representatives of the Congress of

the United States, under the census of 1840, and the power to make the apportionment was found in the second section of the first article of the Constitution. That section says:

"'Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers,' etc.

"And again:

"'The number of Representatives shall not exceed one for every 30,000; but each State shall have at least one Representative,' etc.

"The same section of the Constitution requires a census to be taken at every period of ten years; as soon as may be after which it is the duty of Congress to make this apportionment. It was not, as it would be seen, allowed to Congress to say whether a State should be represented, or not, in the House of Representatives; because the Constitution declares that 'each State shall have at least one Representative;' and beyond that, 'Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers.' To Congress, then, it is only left to fix the number of members in that House to which each State shall be entitled, for every period of ten years, by fixing upon the number of the representative population for which a member shall be elected. That number, or ratio, is within the open discretion of Congress, beyond the single limit imposed in the Constitution, that 'the number of Representatives shall not exceed one for every 30,000.' Congress, however, cannot vary the number of members to which any State will be entitled, under the ratio it shall establish; but the right of every State to such a number of Representatives, in the House of Representatives, as that ratio and its representative population will give to it, is a positive constitutional right, and attaches instantly upon the passage of the apportionment law. Nor can Congress, by any provision in that law, or by any other act which it can constitutionally perform, render that right doubtful or contingent. It is not a right resting upon the act of Congress, or growing out of it, but one which rests upon, and grows out of, the Constitution itself; and the apportionment law only defines its extent, for the

given term of ten years, when another enumeration of the people will call for another apportionment.

"He entreated Senators to keep this idea in their minds; for it would be found important to the proper understanding of the provisions contained in the second section of the bill, which last provisions it was his exclusive object to discuss upon the present occasion. They were originated under an entirely different and wholly independent clause of the Constitution — the fourth section of the first article. It was in these words:

"'The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.'

"This provision of the Constitution does not relate to the right of the respective States to their proper representations in the House of Representatives, but to the 'times, places and manner' of electing those Representatives; the right of each State to a particular and ascertained representation being first fixed under the clauses of the Constitution before referred to. He would repeat, then, that the right of the States to their proportionate number of Representatives in the House of Representatives was not a right conferred by any law of Congress, but by the Constitution itself; and, being defined as to its extent, for every given period of ten years, by the proper apportionment bill, immediately attached as a positive constitutional right, above and beyond the reach of Congress.

"It might, and probably would, be said that, though the Constitution itself conferred the right to the representation, it did not prescribe the rules and regulations for its exercise, and, until they should be prescribed by competent constitutional authority, and be complied with, the right, if it did exist, could not be exercised. To this he would answer that, however much force and truth there might be in this remark, it would not be contended that rules and regulations assumed to be made for the exercise of this invaluable right, which should be calculated to defeat the right itself, could be valid and binding either upon the States or the people.

"Here rested the importance of the distinction which he had

attempted to point out, and which he again entreated Senators to keep carefully in their minds; for, if he had not deceived himself, he should be able to show that the legislation now proposed in the second section of this bill, if it could be made effective at all, must be made so by a defeat of the right itself.

"Propositions upon this subject were before the Senate in a double form, as its committee had differed from the House of Representatives, and recommended an amendment of the section as it came from that body. The section, as it passed the House, was in the following words:

"'Sec. 2. *And be it further enacted*, That in every case, when a State is entitled to more than one Representative, the number to which each State shall be entitled under this apportionment shall be elected by districts, composed of contiguous territory, equal in number to the number of Representatives to which said State may be entitled — no one district electing more than one Representative.'

"This was the provision sent in from the House in connection with this apportionment bill, and was the provision in the bill to which it was his present object most strongly to object, as being, in his judgment, wholly indefensible, both in principle and as a measure of expediency.

"This provision is proffered as an exercise of the power granted to Congress in the fourth section of the first article of the Constitution, before quoted. And what is the material language of that grant of power? That the times, places and manner of holding elections for Representatives in Congress *shall* be prescribed in each State by the Legislature of the State; but that Congress *may*, at any time, by law, make or alter such regulations. Why this form of expression — the State Legislature *shall* prescribe the rules for holding these elections; but Congress *may make* them, or Congress *may alter* them? What is the fair interpretation of the language and spirit of the provision? The duty is imposed upon the State Legislature in the most direct and unequivocal terms; while the mere option to act, or not to act, in the matter, is given to Congress. Why was the provision thus framed?

"The honorable Senator from Connecticut [Mr. Huntington] had aided him to furnish what seemed to him to be the plain and

simple answer to these inquiries. He had said that the great reason for conferring the power upon Congress, which is conferred by this clause of the Constitution, was to put it in the power of this government to preserve itself. That, unquestionably, was the great and controlling reason for giving to Congress the authority to 'make' these regulations. The Legislature of a State, or the Legislatures of a number of States, might neglect to prescribe the times, places, and manner of holding these elections; or they might refuse to make them; and thus put it out of the power of the people of their respective States to be represented in Congress; and if these neglects, or this disaffection, should extend to a majority of the States, and there was no power in Congress to remedy the defect, it might be impossible to form a Congress, and the government itself might be, in that way, dissolved. Invasion, insurrection or other cause might put it out of the power of a State Legislature to prescribe those regulations, and the same consequences might follow. Hence the grant of the power to Congress to *make* the regulations.

"The power is also given to Congress to 'alter' the regulations which the Legislature of a State may make — and why? Because the Legislature of a State, from disaffected feeling or other cause, might make regulations subversive of the principle of fair and equal representation, impracticable as to time, unreasonable as to place, odious as to manner, or otherwise subversive of those popular rights intended to be secured by the Constitution — and by this provision, as a most essential part of it. Hence the propriety, from abundant caution, of giving Congress the power to 'alter' the regulations made by the States, as well as to 'make' regulations where none were made by the States.

"In these views all must agree, for they flow naturally and necessarily from the subject-matters to which the grants of power relate; and their correctness is confirmed by all cotemporaneous expositions of the objects and purposes of this provision of the Constitution.

"When, then, according to a fair construction of the language and spirit of the provision, should Congress exert this power, which it 'may' exert, or it *may* not exert, at its discretion? Most clearly, when a case arises such as was in the contemplation

of the framers of the Constitution, and not till then. When a State shall refuse to prescribe rules as to the times, places and manner of holding elections for Representatives in Congress; when a State shall neglect to prescribe such rules; when, from invasion, insurrection or other cause, a State cannot prescribe them; or when the rules prescribed by a State shall be subversive of the rights of the people to a fair and equal representation, such as the Constitution intended to secure to them, either through the action of their respective Legislatures, or by the direct action of Congress itself. Then, and not till then, the fair intendment of this section of the Constitution would seem to him to call upon Congress for an exertion of its high powers. Was not this the plain and fair exposition of the language and spirit of the provision? It seemed to him to be unquestionable.

"In this impression he was more than confirmed by the proceedings of the several State conventions which adopted, ratified and confirmed the Constitution of the United States; and although it would be somewhat tedious to the Senate, the importance of the question would compel him to make extensive references to these proceedings. He would read from a book which he had obtained from the library, labeled 'Journal of the Federal Convention,' and would refer to the proceedings of the States in the order in which he found them in the volume. These references would show that our vigilant fathers of the Revolution — the men whose toil and blood had won, in hard-fought fields, the liberty which it was their object to secure and perpetuate — had not overlooked this delicate and important provision in the Constitution, when they were called together, in the conventions of the States, to assent to and adopt that instrument as the charter for the common government of their country; that they had not failed to see the claims to federal power which might be instituted under it; and that, in an entire majority of the then States, they had omitted no guard against an encroachment upon the just powers and rights of the States, such as that now attempted, short of the entire rejection of the instrument itself. Indeed, it will appear that one of the number did, for this and other causes, in its first convention, refuse to adopt the Constitution itself.

"He would proceed to the references; and first in order, as it

was then among the first in population, patriotic ardor, and sound principles of government, came the State of Massachusetts. Upon this provision of the Constitution its convention put upon their record the following proceedings:

"'The convention do, therefore, recommend that the following alterations and provisions be introduced into the said Constitution:

"'Sec. 3. That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution.'

"Thus having expressed its sense of what the Constitution should be upon this point, the convention of this noble State went further, and left upon its record, as a part of its ratification of that instrument, a lasting instruction to those who should thereafter represent it in Congress, in the following language:

"'And the convention do, in the name and in behalf of the people of this commonwealth, enjoin it upon their Representatives in Congress, *at all times*, until the alterations and provisions aforesaid shall have been considered, agreeably to the fifth article of the said Constitution, to exert all their influence and use all reasonable and legal methods, to obtain a ratification of the said alterations and provisions, in such manner as is provided in the said article.'

"Next in order he found the State of South Carolina; and a part of the record of her convention, which adopted the Constitution for her and for her people, is in the following words:

"'And whereas, it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operations of a general government, that the right of prescribing the manner, time and places of holding the elections to the federal Legislature should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare, that the same ought to remain to all posterity, a perpetual and fundamental right in the local, exclusive of the interference of the general government, except in cases where the Legislatures of the States shall refuse or neglect to perform and fulfill the same, according to the tenor of the said Constitution.'

"The same jealous vigilance for the rights of the States and the people induced this convention to place upon its record the following enduring instruction to its Representatives in Congress, viz.:

" ' *Resolved*, That it is a *standing instruction* to all such delegates as may hereafter be elected to represent this State in the general government, to exert their utmost abilities and influence to effect an alteration of the Constitution conformably to the aforegoing resolutions.'

"The patriotic State of New Hampshire follows next in the order of the States whose conventions made this particular section of the Constitution the subject of construction, or proposed amendment, or both; and upon her record are found the following entries pertinent to this matter:

" 'The convention do therefore recommend that the following alterations and provisions be introduced into the said Constitution:

" 'Sec. 3. That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress; nor shall Congress in any case make regulations contrary to a free and equal representation.

" 'And the convention do, in the name and in behalf of the people of this State, enjoin it upon their Representatives in Congress, *at all times*, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence and use all reasonable and legal methods to obtain a ratification of the said alterations and provisions, in such manner as is provided in the said article.'

"The wise and patriotic vigilance which peculiarly characterized the State of Virginia, from the Declaration of Independence, in 1776, to the adoption of the Constitution, in 1787, did not permit her convention to overlook this grant of power in that instrument, or to fail to place upon its record its sense of what it was in practice and what it should be made in language. The amendment proposed by that convention upon this point is found upon that record in the following words, viz.:

" 'Sec. 16. The Congress shall not alter, modify or interfere in the times, places or manner of holding elections for Senators and Representatives, or either of them, except when the Legislature of any State shall neglect, refuse or be disabled by invasion or rebellion to prescribe the same.'

"And to secure, so far as the action and voice of that State should be concerned, a practical action under this clause, in conformity with what the convention considered it in spirit, and thought it ought to be made in terms, they further placed upon

that same record, and made a part of their ratification of the Constitution itself, the following perpetual instruction to the future Representatives from the State in the Congress of the United States, viz.:

" 'And the convention do, in the name and behalf of the people of this commonwealth, enjoin it upon their Representatives in Congress to exert all their influence and use all reasonable and legal methods to obtain a ratification of the foregoing alterations and provisions, in the manner provided by the fifth article of the said Constitution; and, in all congressional laws to be passed in the meantime, to *conform* to the *spirit* of these amendments, as far as the said Constitution will admit.'

"Such was the language of the 'Old Dominion' touching this power and its exercise, placed upon record by the very men who prominently assisted in the formation of the Constitution itself.

"His own State came next in the order, and to the proceedings of her convention upon this important point he referred with pride and pleasure. New York was not then a large State, in the comparison; and yet the cautious jealousy of her statesmen against this wanton exercise of federal power over her local elections was not the less because she had, at that day, the less to fear and to lose from the assumption. Her record is more full, as to this grant of power, than that of any other State, as her convention seem to have designed to set up every guard against an abuse of its exercise. They, therefore, in express terms, first put their construction upon the clause of the Constitution as they found it, in the following language, to wit:

" 'That nothing contained in the said Constitution is to be construed to prevent the Legislature of any State from passing laws, at its discretion, from time to time, to divide such State into *convenient* districts, and to apportion its Representatives to and amongst such districts.'

"A careless reading of this construction of the clause might produce the impression that it is in consonance with the legislation now proposed; but he should show to the Senate that this section of the bill, if passed into a law, would be a palpable violation of the construction, both in principle and practice. In principle, because if Congress can order the State to make single districts, it can, by the same authority, order it to elect by general ticket and make no districts at all; or to make all the districts

double or treble, or so as to elect any number into which the delegation of a State can be divided. In practice, because that State at least cannot make 'convenient districts,' in the language of the convention, and make them all single.

"After placing their constructions upon the different portions of the Constitution, the convention of New York proceeded to make their ratification of the instrument in the following cautious and guarded language, viz.:

"'Under these impressions, and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution; and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration: We, the said delegates, in the name and in the behalf of the people of the State of New York, do by these presents assent to and ratify the said Constitution. In full confidence, nevertheless, that until a convention shall be called and convened, for proposing amendments to the said Constitution,' * * * * * 'that the Congress will not make or alter any regulation in this State, respecting the times places and manner of holding elections for Senators or Representatives, unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that, in those cases, such power will only be exercised until the Legislature of this State shall make provision in the premises.'

"Could guards and cautions have been more full or more explicit? In the first place, the convention construe the clause containing the grant of power. Then they declare that the rights of the State, as they have defined them, cannot be 'abridged or violated;' that their explanations are consistent with the Constitution itself, and that they ratify the instrument 'under these impressions.' They then proceed to make the ratification, 'in full confidence, nevertheless,' 'that the Congress will not make or alter any regulation in this State respecting the times, places and manner of holding elections for Senators or Representatives,' unless the Legislature of the State shall neglect or refuse or be unable to make laws or regulations for the purpose, and then only until the Legislature shall act.

"The convention of New York, however, did not stop here. After all these guards against the very encroachment of federal power now threatened, they proceeded to spread upon their

record this perpetual instruction to the Representatives in Congress from the State, to wit:

"'And the convention do, in the name and behalf of the people of the State of New York, enjoin upon their Representatives in the Congress to exert all their influence and use all reasonable means to obtain a ratification of the following amendments to the said Constitution, in the manner prescribed therein; *and, in all laws to be passed by Congress in the meantime, to conform to the spirit of the said amendments, as far as the Constitution will admit.*'

"Then follow the amendments proposed by the convention, and upon this point their proposition was in this language, viz.:

"'That the Congress shall not make or alter any regulation, in any State, respecting the times, places and manner of holding elections for Senators or Representatives, unless the Legislature of such State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and then only until the Legislature of such State shall make provision in the premises; provided that Congress may prescribe the time for the election of Representatives.'

"Thus elaborately and minutely did the State convention of New York, which ratified and adopted the Constitution of the United States for that State, endeavor to protect the people they represented from this encroachment upon their rights by the Congress of the United States, under color of that instrument. Thus jealous were they of this highest and dearest right of that people, — the right to be represented in their own way, and in the manner pointed out by their own laws, in the popular branch of the national Legislature.

"The convention of North Carolina declined to adopt the federal Constitution in 1787, on account of the many objections they found in the instrument, the most of which arose from their jealousy of the grasping and centralizing tendencies of the federal powers conferred. Among many others, this provision did not escape the attention of that assemblage of wisdom and patriotism. Rejecting the Constitution in its then form, as they did, they could not, of course, after the example of the other States to which reference has been made, instruct the future Representatives from the State under it; because, as to them, it was to be no Constitution, and there was to be no representation and no government under it. Hence they took the only course

which was left for them, and proposed amendments in detail. The whole number of amendments, so proposed by the convention of North Carolina, was twenty-five; the seventeenth of which is upon this point, and in the following language, to wit:

"'Sec. 17. That Congress shall not alter, modify or interfere in the times, places or manner of holding elections for Senators and Representatives, or either of them, except when the Legislature of any State shall neglect, refuse or be disabled, by invasion or rebellion, to prescribe the same.'

"Thus was added the expression of six out of the thirteen then States, substantially to the same effect, in relation to this grant of power — namely, that Congress should not act under it, in conflict with the action of the States, when that action should be in accordance with public liberty and a free and fair representation of the people, but only when a State should neglect, or refuse, or be unable to act, or should so act as to impair or destroy the vital right of representation reserved to the people of the State.

"Rhode Island had not yet come into the Union, by the adoption of the Constitution; but when she did come, it was with all the cautions upon this point which had marked the action of the six States before referred to. The record of the convention of the people of this State shows the following entries touching this delicate and important right, viz. :

"'We, the said delegates, in the name and in the behalf of the people of the State of Rhode Island and Providence Plantations, do by these presents assent to and ratify the said Constitution. In full confidence, nevertheless, that until the amendments hereafter proposed and undermentioned shall be agreed to and ratified, pursuant to the aforesaid fifth article,' * * * 'the Congress will not make or alter any regulation in this State respecting the times, places and manner of holding elections for Senators or Representatives, unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will only be exercised until the Legislature of this State shall make provision in the premises.'

"To this literal condition of ratification was added the following permanent instruction to all future Representatives from that State in Congress, viz.:

"'And the convention do, in the name and behalf of the people of the State of Rhode Island and Providence Plantations, enjoin it upon their

Senators and Representative or Representatives, which may be elected to represent this State in Congress, to exert all their influence and use all reasonable means to obtain a ratification of the following amendments to the said Constitution, in the manner prescribed therein; and, *in all laws to be passed by the Congress in the meantime*, to conform to the spirit of the said amendments, as far as the Constitution will admit.'

"Succeeding this definite instruction was the following distinct amendment, proposed to the clause now under consideration, to wit:

"'SEC. 2. That Congress shall not alter, modify or interfere in the times, places or manner of holding elections for Senators and Representatives, or either of them, except when the Legislature of any State shall neglect, refuse or be disabled, by invasion or rebellion, to prescribe the same, *or in case when the provision made by the State is so imperfect as that no consequent election is had;* and then only until the Legislature of such State shall make provision in the premises.'

"This adds the seventh to the list of States which, at the time of the adoption of the Constitution, contended against the exercise of this power in the manner in which it is now proposed to be exercised — making an entire majority of 'the old thirteen,' which either denied the existence of the power itself, or remonstrated against its exercise in this form, and which sought, by all the means in their power, short of an actual amendment of the instrument, to guard their people against this encroachment.

"So much for the cotemporaneous construction of the Constitution upon this particular point, from those whose peculiar duty it was made to put a construction upon it, under the highest of all possible responsibilities — from those who were most competent to construe it correctly and truly — from, to a very great extent, its own framers. The honorable Senator from Connecticut [Mr. Huntington] had read from the debates, in these several conventions, to show the true construction of this grant of power. That presented the evidence of the individual opinions of individual men. He had preferred a resort to the opinions of the conventions to which the views and arguments and eloquence of those individuals were addressed. The Senator had drawn his testimony from the discussions — he from the results of those discussions. The Senator had taken the speeches — he, the votes, the doings, the records of the conventions. The

latter were certainly conclusive of the question in a majority of the States.

"He was prepared to hear it said that the various amendments proposed to this clause of the Constitution, to which he had made reference, were so many concessions that the power now contended for, and attempted to be exercised, was there, and that these conventions wished to get rid of it. A fair reading of the records would not sustain this remark, made in these terms. The power claimed, so far as Congress is concerned, is not a *duty* imposed, but a *liberty* granted. The States *shall* prescribe, but Congress *may* make or alter. This is the structure of the grant, and the expressions of the conventions go to show the sense of the framers of the Constitution as to the occasions upon which Congress *may* make and alter, within the spirit of the instrument, and the intentions of its framers.

"Still he begged Senators distinctly to understand him. He did not refer to these proceedings to disprove the technical existence of the power, under the language used, but to show when, and when only, a majority of the then States understood that Congress could exercise the liberty conferred upon it without a violation of the spirit of the provision, and of the intentions of those who framed and those who adopted it. The duty is imposed upon the States — the *liberty* conferred upon Congress; and when the States shall neglect, or refuse, or be unable to perform the duty, or shall so perform it as to impair or defeat the right reserved to the people, and to secure the free and fair exercise of which the duty is imposed, then, and only then, in the opinions of the conventions of these seven States, should Congress interfere, or can it interfere, within the fair spirit of the grant. And the wise apprehension and patriotic fear that the language might be claimed to cover a much broader exercise of power over these elections must manifestly have given rise to these various proposed amendments of the clause. They may not, therefore, be fairly considered as admissions of the existence of the power now attempted to be exercised, so much as practical constructions of the grant of power under which this exercise is attempted to be justified.

"The position, however, upon which he desired mainly to rest

his argument was this: If the power be claimed for Congress without limitation or condition, and irrespective of the action or non-action of the State Legislatures, and it be proposed that Congress shall exercise it, that exercise by Congress must be independent of State legislation, so far as to enable the people of the States to avail themselves of their constitutional right to elect Representatives under the regulations made, without the aid of further State laws; because Congress has not the right, and does not possess the constitutional power, to command the State Legislatures to pass any law whatever, much less to direct the form of the laws which they shall pass.

"This position he could not suppose would be, for a moment, controverted. It was the great principle upon which the federal Constitution was formed, and constituted the principal and leading reason for changing the federal government from the old Articles of Confederation to the constitutional form. The confederation acted only upon the States, as bodies politic, and not at all upon the people which composed the States. They could only be reached through the State Legislatures, acting in conformity with the high behests of the Congress, and to carry out its decrees. That system was found wholly inefficient, as the State Legislatures did not, and would not, act at all, when called upon to pass laws unpalatable to themselves, or to the people whom they represented.

"Hence the necessity of a form of government which would enable the federal authorities, so far as their defined and specified powers should extend, to reach the people, and act directly upon, and with, and for them, without the intervention of the State Legislatures or other State agencies. This form of a federal government was intended to be secured, and was secured, by the present Constitution of the United States; and since its adoption, and the organization of the government under it, there has been, and is, no instance in which Congress is compelled to exert any one of its constitutional powers by and through the legislation of the States, or in which Congress has the right to command that action for any purpose.

"The Constitution of the United States acts directly upon the State Legislatures, in a great variety of cases, both by way of lim-

iting and restraining, and by conferring power, in the very same manner that it acts upon Congress in the same directions. But the powers given to the State Legislatures, and the duties enjoined upon them by the Constitution of the United States, are held under that instrument, and directed by it, as independently as are similar powers and duties given to, or enjoined upon, Congress by the same Constitution; and Congress can no more enlarge or diminish the powers thus conferred upon the State Legislatures, or direct or control the performance of the duties so enjoined upon those legislative bodies, than it can enlarge or diminish the powers conferred, in the same manner, upon itself, or direct and control the performance of the duties constitutionally enjoined upon its successors. The action of either is independent, beyond the limits imposed by the Constitution itself; and neither can contract or extend those limits, either for itself or for the other, where the Constitution has not done it. Take the precise case under discussion, as one as happily calculated as any other to illustrate the truth of these positions.

"'The times, places and manner of holding elections for Senators and Representatives *shall* be prescribed in each State by the Legislature thereof.'

"This is the grant of power to the States in the words of the Constitution. It is an imperious duty enjoined, but wholly subject to legislative discretion as to the manner of its performance. The Legislature may prescribe that the Representatives to which the State is entitled shall be elected by general ticket, or by single districts, or by any other subdivisions of the territory and population of the State it may please; and no power on earth can constitutionally interfere to restrain, or control, or direct, its action in these respects. If it act at all, under any given branch of this power, either as to the 'times,' 'places,' or 'manner' of holding these elections, it must be permitted to act according to the constitutional grant of power — and that is, according to its discretion.

"Would it be said that the Legislature of a State might so act, in prescribing these regulations, as to impair, or even to defeat and destroy, the very right, the exercise of which is to be regulated — the right of the people of the State to a fair and equal

representation in the House of Representatives of the Congress of the United States? He would answer, so might the same Legislature neglect or refuse to prescribe regulations at all; and either would be equally a violation of the constitutional obligation enjoined; because that obligation is not only to act, but so to act as to secure this great right of the people of the State, and render it available to them. Yet it by no means followed that, because the Legislature of a State might violate its constitutional duty, Congress could interfere to command its action, and direct the form in which it should act.

"The Constitution has guarded the people against this danger in a different manner. After having made the grant of power to the State Legislatures, and enjoined the duty upon them, above expressed, and in the words quoted, it proceeds to make to Congress a further grant of power over the same subject, in these words, viz.:

"'But the Congress *may*, at any time, by law, *make* or *alter* such regulations, except as to the places of choosing Senators.'

"Here, then, is what Congress 'may' do, in case a State fail to prescribe the regulations necessary 'for holding elections for Senators and Representatives.' Congress may not, cannot, command or compel the Legislature to prescribe them; 'but the Congress may at any time, by law, *make* such regulations' itself. This is the power given to Congress, where the Legislature of a State shall neglect, or refuse, or be unable, to perform its constitutional duty under this clause of the Constitution.

"Suppose the Legislatures of the States have performed the duty enjoined upon them by this clause of the Constitution, and shall continue to manifest a willingness and an ability to prescribe all the regulations necessary to enable the people of the respective States to exercise their constitutional right of electing Representatives; but Congress shall determine that these elections ought to be made at different times, at different places, or in a different manner, from the regulations 'prescribed in each State by the Legislature thereof.' What, then, can Congress do? It cannot command, compel or coerce the State Legislatures to *alter* the regulations they have made, or shall choose to make,

because the Constitution has not given to Congress any power over the discretion or action of those Legislatures; but the Constitution says,' the Congress may at any time, by law, *alter* such regulations.' Congress *may* itself make the *alterations;* but may not, cannot, direct the Legislatures of the States to make them.

"This is the case now presented. All the States have hitherto prescribed the necessary regulations for holding these elections, and for more than fifty years the elections have been held and made under the regulations prescribed by their respective Legislatures. There is no pretense that a disposition is manifested by the Legislature of any State not to continue to prescribe all the necessary regulations to enable the people of the State to hold these elections and elect their Representatives. Congress, however, prefers that these regulations, which have been made by the Legislatures of the States, and hitherto regularly acted under by the people, should be *altered;* and the question under discussion is, in what manner shall Congress accomplish this object?

"How does this bill propose to do it? Simply by enacting —

"'That, in every case when a State is entitled to more than one Representative, the number to which each State shall be entitled under this apportionment shall be elected by districts composed of contiguous territory, equal in number to the number of Representatives to which said State may be entitled—no one district electing more than one Representative.'

"Is this an alteration of the regulations of the States? Does it repeal their laws which prescribe the regulations for holding these elections? Certainly not. This will not be pretended, because it will not be pretended that Congress can repeal a State law. Does it supersede the State laws? Assume that it does — and that must be assumed, if it be claimed to be such an *alteration* of the State regulations as the Constitution authorizes Congress to make — then there are not any longer any State regulations as to the 'manner of holding' these elections, because the law of Congress has superseded them. Can the people exercise their constitutional right of electing Representatives under this law? Certainly not. It merely declares that the Representatives shall be elected by districts, 'no one district electing more than one Representative;' but it does not constitute the districts, or in any

way enable the people of the respective States to hold elections under it.

"How is it proposed that the people shall be made able to exercise this essential right, and elect their Representatives? The answer given by all the gentlemen who advocate the bill is, that the State Legislatures must lay off and prescribe the districts in their respective States. What is the provision of Congress, then, but a mandate to the Legislatures of the respective States to legislate — and not only that, but to legislate in a particular manner — in the precise manner which Congress has pointed out in this law? Where, in the Constitution, do we find our authority to do this? Where, in the Constitution, will the members of the State Legislatures find their obligation to obey our mandate? Nowhere. The authority is not there, and the correlative obligation is not there.

"The Constitution confers upon the State Legislatures the power, and makes it their imperative duty, to prescribe the necessary regulations for holding these elections, and says: 'The Congress may, at any time, by law, *alter* such regulations' as the States may have made; but it gives to us no power to order the States to alter their own regulations, or to control their action in the matter, in any way, if we leave them to act at all. If we will have the regulations of the States altered, upon us rests the work of alteration by the express language of the Constitution; and we have no constitutional right to issue to them our *mandamus*, commanding their Legislatures to make such alterations in their laws as we shall dictate.

"The honorable Senator from Connecticut [Mr. Huntington] says the provision is not an order to the State Legislatures; that Congress does not claim or assert any right to command their action, nor pretend to any authority to enforce upon them obedience to this law. And, still, what is his position to sustain the measure? It is that the Constitution gives to Congress the whole power over the entire subject, — that it may *make* or it may *alter* any and all of the regulations touching these elections; and, having the whole power, Congress may exercise the whole or a part at its pleasure; and the State Legislatures are constitutionally bound to do what Congress may choose to leave undone. This

Mr. W. understood to be a true statement of the gentleman's argument; and what is it but an assumption of the right to bind both the action and the discretion of the State Legislatures?

"Take the very case under discussion, as best calculated to illustrate the argument. The various States have various regulations as to the 'manner of holding' these elections. Some elect the whole number of their Representatives by a general ticket, each voter in the State giving his vote for the whole number; others, again, elect by single districts only, in the precise manner required by the provision now proposed to be adopted by Congress; and a third class of States have districts variously organized, some single, some double, some triple and some quadruple. All these various regulations have been made by the various State Legislatures, according to their convictions of what regulations were most in accordance with the wishes, the convenience and the interests of their respective constituents. The Constitution gives to Congress the power 'at any time, by law, to *alter*' any of these regulations.

"How is this power 'to alter' to be exercised? By calling upon the State Legislatures to make the alterations, and thus to pass laws which are not in accordance with the wishes, and will not promote the interests and convenience, of those whom it is their duty truly to represent? By requiring of the Legislature of a State which has adopted the general-ticket system to repeal that law, and divide the State into single districts? Or by compelling the Legislature of a State which has always elected by districts to change its established system, consolidate itself and elect all its Representatives upon one general ticket? That is what this bill attempts to do. And would not gentlemen call this an attempt to bind and control and direct both the action and the discretion of the State Legislatures? It is certainly an attempt to compel them to legislate against their wills, against the wills and wishes of their constituents, against the dictates of their own judgments and the course of their own sound discretions; and if this be not to attempt, by a law of Congress, to control their legislative action, it must be difficult to say how such an attempt could be made.

"Suppose the Legislatures of the States take the friends of this bill at their word, and hold that this law is not intended to be, and is not in fact, a mandate to them, and is not to force them to act or to direct the action which they may choose to take; will gentlemen tell us what are to be the consequences of their not acting in conformity with the requirements of this law? Can the people elect their Representatives? If so, they must make the elections according to the regulations which the Legislatures of the States have already prescribed or shall hereafter prescribe, whether such regulations conform to this law or not. If, then, the people of the respective States shall elect the members of the next House of Representatives in accordance with the regulations of their several States (they being the only regulations in existence under which the people can hold these elections), are the persons so elected to be allowed their seats in that House as duly elected members — the elections not having been made by single districts? In that case this law is to be a void act, and should not be placed upon the statute book. Will any Senator rise in his place and say that Representatives of the people of the respective States, so elected, and in the absence of any laws or regulations made by Congress under which the people can hold their elections, are to be rejected from the House, as not being entitled to seats there? He thought not, and certainly he hoped not. He hoped it would not be contended that the people of the States were to be made to forfeit this, their inherent and constitutional right of electing Representatives to the Congress of the United States, because their respective State Legislatures should not choose to obey a law of Congress, which they might, in their consciences, believe Congress had no constitutional power to pass. Indeed, the friends of the provision fully admit that Congress cannot compel the action of the State Legislatures under this law, and insist that it is not in fact, and is not intended to be, a mandate to them. Will they, then, contend that the neglect or refusal of a State Legislature to conform to a law of Congress, which is not intended to be mandatory upon it, shall work a forfeiture of this positive constitutional right of the people of the State — and that, too, when the Legislature does prescribe regulations, under which the people of the

State can, and do in fact, exercise the right, though not in the precise 'manner' which Congress would prefer?

"If, however, a forfeiture of the right of the people to elect Representatives is to be the consequence of the passage of this bill, and the failure of any State Legislature to obey its requirement, and divide the State into single districts — how far is the forfeiture of representation to be carried? If the people of a State, having no other regulations prescribed either by Congress or their Legislature, avail themselves of the established laws of the latter, and elect their Representatives by a general ticket, their members, so elected, are not to be allowed their seats — not because their elections were not fair, and they are not the real choice of the people of the State — but because they have been elected too strongly, each one having received a majority of the votes of all the legal voters of the State; whereas Congress prefers that each one should have received only his fractional share of those same votes. Such would be the fate of a State which should elect by a general ticket.

"How would it be with a State whose Legislature should district it, but not in conformity to this law? He would take his own State for an example. New York has now thirty-three congressional districts, which elect forty members of the House of Representatives. Of these districts, twenty-eight are single, and elect one member each; four of the districts are double, and elect two members each; and the remaining one is quadruple, electing four members, and yet is composed of a single county. Suppose the Legislature of that State, under the present apportionment, should make the same relative arrangement of its congressional districts, and the people should hold their elections under that regulation; would the members elected from the single districts be held duly elected, and entitled to their seats? They would be elected in precise conformity with the principle which it appears to be the object of this law to establish; and will it be contended that the people of these districts must forfeit their constitutional right to a representation in Congress, because the people of some other portion of the State have not acted in conformity with this congressional rule? If the people of the conforming districts are not to forfeit their right to be repre-

sented, how is it to be with the people of the double, triple or quadruple districts? Are they to be wholly unrepresented? or will they be permitted a partial and single representation? They will have elected, according to their constitutional right, and in obedience to the only regulations which have enabled them to elect at all. Shall their whole representation be rejected? or shall they be permitted to be considered a 'district' under this law, entitled to one Representative, so that the highest upon their list of candidates, as shown by their popular vote, can be admitted to a seat as from a *single district?* That they shall have voted for a greater number of persons upon the same ballot than our law permits, will not have been their fault. They will have obeyed the only 'regulations' under which they could act; and the only alternative which will have been presented to them must be, whether they would be represented at all, or would act in this manner. Shall they, for having so acted, forfeit all representation? He must hope not. But if that should be the decision, in either of the above cases, his respected and worthy constituents would have the consolation of knowing that they had done all which either the laws of Congress or of the State had enabled them to do, to preserve this invaluable right, and to keep it in exercise for the preservation of our free institutions.

"Upon them might fall the forfeiture of the right, and the incalculable evils of that forfeiture; but upon them, in the supposed case, could not fall the blame of a failure to make a Congress, or to represent the people of the country truly in it, whatever might be the consequences of such a failure.

"Where, then, must that blame fall? Certainly either upon Congress, or upon the State Legislatures. Narrowing the discussion down to this point, where must this fearful responsibility rest? The arguments of those who support the bill seemed to him to show clearly where. They say the right is not claimed to command those Legislatures, or to control their discretion or action. He trusted he had shown that, under the Constitution, while their duty to act was imperative, the manner and form of their action were left wholly open to their discretion. It has been further admitted — and will certainly not be denied by any one — that Congress has not the right to impose a limit upon

that discretion which the Constitution has not itself imposed, or has not, in terms, authorized Congress to impose. He had then further shown (and, as he must believe, conclusively) that the power given to Congress was a power to act itself — not to order the State Legislatures to act; 'to alter' itself the regulations which the State Legislatures might make — not to order those legislative bodies to alter their own regulations. Here, then, was a constitutional power in Congress, not to set a limit to the discretion of the State Legislatures, but to take away their power to act, by substituting its own action; not to command them to do, but to take away their power and right to do, by doing itself what the Constitution requires should be done either by the Legislatures or by Congress, to enable the people to exercise this inherent right.

"Does the enactment now proposed execute this power on the part of Congress, — does it *alter* the regulations which the States have made? And, if so, does it alter those regulations in a way which will enable the people to exercise the right under the alterations? This is not pretended. Where, then, must the blame fall? The regulations of the States are such as to enable the people to exercise the right which they have reserved to themselves under the Constitution. Congress interferes, under its power 'to alter' those regulations, and arrests their action without making others to supply their place; and thus practically declares to the people of the respective States: You must compel your Legislatures to alter their own long-established systems to suit our iron-bedstead rule, or you shall forfeit your right to be represented at all in the Congress.

"And yet we are told that this is no mandate to the States, no attempt to control the discretion or action of their Legislatures, but the simplest possible law establishing a uniform rule of representation throughout the country; and the language of the enactment is referred to for proof that we do not *order* the States, or their Legislatures, to do any act. If he had not already twice referred to the words of this enactment he would again repeat them here; but he entreated Senators to look at its words and its purport, and then to say what truth or substance there could be in this reply to the objections he had presented.

Why was the provision proposed? To force the election of members of the House of Representatives, throughout the Union, by single districts. This was the broad ground upon which the measure was placed by its friends. Did they pretend that this simple legislation could effect the object, without the aid of the State Legislatures? No. It was fully admitted by the friends of the measure that further legislation must be had, either by the State Legislatures or by Congress, before a House of Representatives could be elected by the people of the respective States according to this rule. Was it pretended that Congress could coerce the State Legislatures to pass the laws necessary to carry this rule into effect? No. That power was not contended for by the friends of this grasping proposition.

"Where, then, must the blame fall, if no Congress shall be elected or if the members of the House of Representatives shall be elected in disregard of this new and unnecessary law? How is this question met by the advocates of this novel enactment? One answer given has been, that the laws of Congress, passed under a constitutional power, are paramount to the laws of the States conflicting with the congressional enactment; and that, as Congress '*may make or alter*' any regulations touching 'the times, places and manner' of holding these elections, which the Legislatures of the States shall have made or shall make, it is competent for Congress to enact that the elections of Representatives shall be holden by single districts in all the States. For the sake of the argument, admit the position,—and what does it prove? That Congress can command the State Legislatures to make the single districts? No; but that Congress can itself make them, and all other regulations necessary to enable the people to hold elections in them. The power conferred upon Congress is, 'at any time, by law, to make or alter,'—not to order the State Legislatures to do either.

"Another answer given to this inquiry has been, that, as Congress has all power over the whole subject, it may exercise what part of that power it pleases, and its laws must be paramount as far as they go, while the power and duty will remain in the hands of the State Legislatures to prescribe all the regulations which Congress does not make. This position, to the extent of

this statement of it, is distinctly denied. It is not contended that Congress is bound, if it act at all, to prescribe all the regulations of 'times, places and manner' for holding these elections; but it is contended that, upon whatever portion of either, or of all, Congress assumes to act, it must so act that the people may be able to make its regulations available for the exercise of their constitutional right of electing Representatives, without the aid of the State Legislatures in the exercise of their law-making powers. His reflections had convinced him that Congress, under its power 'to alter' the regulations of the States, might engraft its alterations upon the regulations which their Legislatures had prescribed, or might prescribe, so far as that could be done without fettering the discretion and action of those Legislatures in their future legislation, in reference to the regulations which the legislation of Congress should leave to them.

"For example: Suppose Congress should consider it proper to take within its control 'the times' of holding the elections for Representatives in Congress. He supposed it would be both constitutional and proper for Congress to enact that the Representatives in Congress from all the States should be elected on a given day in a given month in the present year, and on the same day in the same month in every second year thereafter; but if the enactment should stop here, he supposed it would be a void act. In order to carry it out into practice, and in case Congress should not desire to go any further in making or altering the rules for holding these elections, the act should direct that the people of the respective States, authorized to vote for members of Congress, might assemble on that day, at the places fixed for holding elections for members of Congress, according to the existing laws of the State, or the laws which should thereafter be passed by the Legislature of the State for regulating such elections; and that the elections should be holden, the votes given and the returns made, in all respects, according to the laws of the State then in force, or which should thereafter be made by the Legislature of the State, in relation to elections of members of Congress.

"Such a law would enable the people of the States to act without the intervention of their respective Legislatures, and yet

would bring 'the times' of holding these elections within the exclusive control of Congress, while it would leave to the unrestricted discretion and action of the State Legislatures all regulations in relation to the 'places' and 'manner' of holding them.

"The same rule of action would apply if Congress were disposed to assume the direction of the 'places' for holding these elections, and to leave to the State Legislatures all regulations as to the 'times' and 'manner.' So, also, Congress might take the control of the 'manner' of holding these elections, and leave to State legislation the regulation of the 'times' and 'places;' and still the same course would be open to Congress to engraft its action upon the existing or future State laws, in such a way as to make its regulations available to the people, without the intervention of new State action to carry out its requirements.

"In reference to this complicated subject of 'the manner' of holding these elections, he would not say that subdivisions of action might not be constitutionally made by Congress. The great principle for which he was contending was, that whatever regulations Congress should attempt to make in this matter, should be so made that the people might be able to act under them, without the intervention and aid of laws to be passed by the State Legislatures. This principle he was bound to maintain, because his examinations had produced upon his mind the most perfect conviction that there was no case, within the limits of the Constitution, where Congress was authorized to dictate a form of legislation to the State Legislatures, or where the Constitution had conferred a legislative power upon Congress, and had not given it the authority to carry that power into full execution, without the intervention of aid in the shape of State legislation.

"Take, then, the case under discussion. It is the desire of Congress that all the States shall be divided into single congressional districts; and that the Representatives in Congress shall be elected from these districts, one from each, and not otherwise. It is claimed that, under the constitutional power 'to make or alter' the regulation as to the 'manner' of holding congressional elections, Congress has the power to enforce this rule as to these elections. Without controverting this assumption, at this moment, suppose Congress were to proceed, and, by a law of its own,

organize these single districts in all the States; and then declare that the elections in them should be held at the 'times,' 'places,' and in the 'manner' pointed out by the existing or future laws of each State for holding elections for members of Congress. This would be *altering* the regulations of the States upon a single point only of the very many embraced within the phrase, 'the manner of holding these elections;' and yet, as it would enable the people to exercise their constitutional right, and elect their members of Congress, without the uncertain intervention of new State legislation, he was not prepared to say that such a law of Congress would be either unconstitutional or void.

"He had already shown that the right of the people to elect Representatives to the Congress was reserved in the second section of the first article of the Constitution; and that this fourth section of that article had for its exclusive object the establishment of regulations, either by the State Legislatures or by Congress, which would enable the people of the respective States to exercise the right. It had been also seen that the Legislatures of all the States had established regulations which had, hitherto, rendered that right available to the people; and that there was no pretense of an apprehension, in any quarter now, that those Legislatures would not continue fully to discharge their obligation under this section of the Constitution, in case Congress did not interfere at all. It had further appeared that, under such circumstances, there was no obligation resting upon Congress to interfere in any way, and that the only power of interference given to it by the Constitution, if any was given, was, 'at any time, by law, to *alter*' the regulations of the States.

"These positions being conceded — and certainly no one of them could be questioned — and the further declaration and assertion of the friends of this enactment, that the provision itself was not, and that the power in Congress was not claimed, to command the action of the State Legislatures, or to control their legislative discretion, being taken as made, the validity of the denial, that this answer to his objections could be sustained, must also be conceded. These premises cannot fail to prove that the power of Congress *to alter* the regulations of the States, however extensive its constitutional existence may be, can only influence

the power and duty of the State Legislatures to the extent of its exercise. To that extent, if constitutionally exercised, it supersedes State action, because the action of Congress is paramount; but it cannot operate to control *the form* of State action, when that action is not thus superseded.

"This is the broad and clear and constitutional distinction. The Legislature *shall* 'prescribe' these regulations. Congress *may* 'alter' them — not may order them to be altered. A State has established the general-ticket system. Congress *may* alter that to the single-district system; but a law of Congress, simply declaring that the system of a given State shall be so altered, *does not make the alteration*, and does not, therefore, exert the power given to Congress 'to alter' the regulation of the State.

"Is, then, such an act a violation, on the part of Congress, of its constitutional power? He had not been inclined to say it was, because, being one step toward the exercise of what would certainly be claimed to be an expressly granted power, he preferred rather to characterize it as a void act, if not so followed up by further congressional action as to make the alteration directed, and thus enable the people to exercise the right to be regulated, without further action on the part of the State Legislatures; which bodies, it was admitted, Congress could not direct or control.

"These conclusions appeared, to his mind, so plain and so clear, that he could scarcely expect the enactment would be persisted in, unless the Senate should conclude to go further, and prescribe the districts in the several States. It could not be that the friends of this bill would, under the power to regulate the exercise of this important right of the people, claim the power to defeat and destroy the very right itself, unless the various State Legislatures should choose to conform their legislative action to our wishes, and thus make themselves our humble instruments in enabling the people of their several States to carry out our wishes as to these congressional elections. Such a defense of this enactment would be to repudiate the claim of a constitutional power to control the discretion and action of these grave and responsible bodies, merely to seek to bring their constitutional independence of us into voluntary subjection, either through their partialities toward this Congress, or through their just regard for the pres-

ervation, to the people they represent, of this important right of electing persons to represent them in the Congress of the United States. In either of these latter senses the action was unworthy of Congress, and the submission would be unworthy of the independent Legislature of the people of a free State.

"He would leave this part of the argument, therefore, with the repetition of his most solemn conviction that there was not a single case, under the Constitution of the United States, where Congress was authorized to impose upon a State Legislature either constitutional or moral obligations to legislate in a particular form; and that this enactment, if carried into a law in the shape in which it came here from the House, if not positively unconstitutional, would be entirely void; while the constitutional duty would remain upon the State Legislatures to prescribe regulations for holding these elections as fully as if this provision had never had existence.

"His argument, hitherto, had assumed that the question whether the Representatives in Congress from the several States should be elected by single districts, by districts at all or by general ticket, was involved in the subject of regulations as to the 'manner of holding' these elections. This he did not admit; nor did he intend, with entire positiveness, to deny the position, though he thought the language of the Constitution at least admitted of a reasonable doubt upon this point. Senators might think the suggestions he was about to offer hypercritical; but, as they would be very brief, he could not, from that apprehension, be deterred from offering them. The language of the Constitution is —

"'The times, places and *manner of holding* elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.'

"This is the language. Now what, he would respectfully ask, was the plain import of the terms 'manner of holding elections?' Did they, fairly construed, relate to the question within what portion of the territory of a State — whether a part or the whole of it — 'a Representative' should be elected? or to the question whether a voter of a State should vote for one single Representa-

tive to the Congress, or for all the Representatives to which his State might be entitled? Or did they relate to the 'manner of holding the elections,' whether held by districts or by general ticket — to the manner of *holding* each poll, the manner of voting, the manner of receiving, keeping, counting and returning the votes, and the *districts of territory* within which the freemen should meet and vote at *the same poll?* He was compelled to say that it seemed clear to him that the latter, and not the former, was the plain and fair import of these terms.

"Take the authority of common parlance. 'How do you *hold* your elections?' The answer would be, by every voting citizen of the country, by townships, hundreds, parishes, precincts; by ballot or *viva voce* vote; by an election of one day, or two days or three days; under the superintendence of judges, inspectors, moderators, chosen by the people for the purpose, or of the sheriff or justices of the peace of the county. 'How do you *elect* members of Congress?' By districts or by general ticket. These would be the answers to these separate questions, in substance, if put to every man in every State, who has been accustomed to give his vote for these Representatives. And upon such a subject, after more than fifty years of practice and experience under the Constitution, should not such authority be most highly respected? With him it could not fail to be.

"He was compelled, in candor, to say that the expositions of the Constitution to which he had referred, from the proceedings of the conventions of the States held to ratify the instrument, and others which had been cited from the debates and from other sources cotemporaneous with the instrument itself, did not, as literally interpreted, seem to sustain him in this position; but if those various expositions should be read under the influence of the idea which he had before suggested, and which seemed to him to have been prominent with those who suggested the various amendments to this fourth section of the first article — namely, the great fear that unwarrantable power might at some period be claimed by Congress, under the language of the section as it was adopted — these various amendments and suggestions would rather appear to be indications of what their authors thought the section should have been than of what they

thought was the plain and fair construction of its language as it was.

"If doubts of the justness of their apprehensions might have been properly entertained at all former periods of our history, this day and this action show that they can no longer be entertained. And we are not now called upon to decide what the framers of the Constitution, and the venerable sages who were the agents for the States in its adoption, feared it might be erroneously claimed to mean by some future Congress, but *what is* the plain and unequivocal extent of the power conferred upon us, by a fair construction of the language used. We now propose to disregard the fears and the cautions of those venerable sages, and to march up to the extremest exertion of power we can claim, under a grant of power to 'make or alter' the regulations of the States as to the 'manner of holding elections' for Representatives in Congress. Let us examine well and carefully, then, the charter under which we act — see to what regulations as to the 'manner of *holding* elections' it can be properly applied; and especially consider what it is to '*make*,' and what it is to '*alter*' these regulations, before we attempt to throw a complex and unpalatable duty upon the independent Legislatures of twenty-six sovereign States, which may boldly question our power to *command* and deeply doubt the wisdom of our *advice*.

"The expediency of this enactment remains to be considered. Gentlemen say the 'district system' is democratic, and is popular, and, therefore, the action is expedient. He was not disposed to dispute these premises, but he could not see the necessary connection between them and the conclusion which was forced to follow. Suppose the Autocrat of the Russias should say the district system of electing members of Congress in the United States is democratic and popular, and, therefore, the Legislatures of the several States of the Union shall adopt it. Would gentlemen contend that the decree of the Emperor was expedient on his part? Or that his mandate was binding upon the States, either morally or otherwise? Do they forget that the people of the respective States are democratic, and that their legislative bodies are composed of their servants — of representatives — whose highest duty and truest pleasure is to do their will? That those intel-

ligent and patriotic constituencies do not ask either their servants in their Legislatures or their servants here to tell them what is democratic, but to enable them, by the proper laws, to enjoy their own constitutional rights in their own chosen way? When they shall desire a change in their systems of law, either through the action of Congress or of their local Legislatures, whether to enable them to exercise these rights in a more or less democratic manner, they neither want the intelligence nor the spirit nor the means to make their will known, here or there; and when that is done it will be ample time for us to display our democracy, in prompt and cheerful obedience to that will. He could not feel that it was incumbent upon him to give further answer either to the democracy or popularity of this provision.

"Did gentlemen expect to gain temporary political advantage from this action? They should, then, make sure to carry it out, and not trust their very doubtful fortunes of this ephemeral description to the action of these numerous legislative assemblies. A regard to the popular will, and to established systems of election, might be, with many of them, paramount to the permanent ascendancy of the party now in power in this country; whilst constitutional scruples against a voluntary subjection of their legislative independence and discretion to a mandate of Congress, might prevail with others; and the anticipated political gains might turn out to be real political losses.

"Again, the exertion of the same power, in Congress, which could direct the single-district system to-day, might change it to the general-ticket system to-morrow. Suppose the present dominant political party here should realize material benefit from this enactment: are they so sure of permanent power under it that they can offer to the people a perpetual guaranty against a change of this *democratic* rule, and against a perpetual fluctuation of this new exertion of federal power? It should be borne constantly in mind that this power, once assumed by Congress, and carried out by the voluntary acquiescence and aid of the State Legislatures, remains at the pleasure of every future Congress through all after time; and who, that had noticed the party struggles here, the desperate efforts of a party in power in the country to retain that power, the calculations of chances that an

approaching election of President may fall into the hands of the House of Representatives, and the anxiety of aspirants to be able to command the vote of a majority of the States in that House, can hope that the exertion of this tremendous power will not be made to change and fluctuate with the changing power, and interests, and prospects of parties here? It must and will be so. The nature of our institutions will force this result. It is a matter of course that the minority censure the measures and policy of the majority as unequal, unjust and oppressive; and hence with every change of parties must come a very general change of measures and policy. And will that legislation upon this vital point, which has been adopted to sustain a sinking cause and a sinking party, and has for that reason been made odious with the people, be retained by the opponents of that party, when they shall make a victorious entrance upon the affairs of administration? It would be absurd to believe it. Instead of an established and uniform system, we must have eternal fluctuations; an election of one Congress by single districts, of the next by a general-ticket system throughout, and of a third by some other form of division and combination, which may be supposed more likely than either to strengthen a party in power or weaken its opponents. Instead of having the convenience and the wishes of the people, and their established election systems, consulted, we shall have the ambitions, and prejudices, and passions of parties, here made the guides to this most delicate and difficult legislation.

"He made these remarks in reference to no particular party, nor with intention to give offense anywhere; but simply to illustrate what he believed in his heart must be, and would be, the practical consequences of this new exercise of power by Congress. Was he not authorized to draw these inferences from the circumstances under which this enactment had been presented to Congress? Who had called for it? What portion of the citizens of the country, of our voting population, had petitioned for such a law? What State of the Union had asked that Congress would relieve its Legislature from the further exercise of its sound discretion in prescribing regulations for the election of its members of Congress? Whence have come complaints against

the present election systems of the States, or against the course of their respective Legislatures, in prescribing such rules as to these elections as have secured to the people of the States the fair and full enjoyment and exercise of their great constitutional right of just and equal representation? Has one single solitary man in the whole country petitioned, or one voice been raised in complaint, out of the halls of Congress? He had neither heard of any such petition, nor had the sound of any such voice reached his ear from without these walls.

"This action, then, originates here, and not with the people. It has its origin in the objects and views of a political party here, for every step of action upon it shows that it is a party measure. It is the measure of a party holding the power in Congress, and struggling to retain it. If adopted, it will be, as the measure of that party, expected to contribute to that end. And do gentlemen suppose that permanent, or stable, or popular legislation, in reference to an inherent and vital popular right, is to be thus originated, and forced upon the people of the States, and the Legislatures of the States? Will they flatter themselves that the present dominant party here are thus to act, and that no future party, when in power, will follow their example?

"Let them see the inducement they may hold out to some such party to retain the power of the House of Representatives. The ratio of representation already fixed by the vote of the Senate will give to the next House 217 members. A majority of that body will be 109, and the four States of New York, Pennsylvania, Ohio and Virginia will be entitled to elect ninety-four. Add but fifteen members to the entire representation from these four States and you will have an entire majority of that House. How frequently have those four States been found acting together in the political contests of the country — and that, too, when their divided delegations in the House, in consequence of their own district systems of election, voluntarily adopted, did not give them a political strength there equal to that of four very small States? Of this, neither those States nor their people have ever complained; but once introduce the practice of controlling the majorities in that House by the direct action of majorities in Congress, and through the direct legislation

of Congress, and how long will it be before their people will compel their Representatives there to assert their power for their own self-protection? This provision is pressed upon the ground that it is now necessary to divide and weaken the power of the large States in that House. Why necessary? Have they ever attempted to abuse their strength there? That is not pretended. Why, then, attempt to fetter them thus invidiously? To conciliate their Representatives and their people? Or is it to crush both, by this new exercise of federal power?

"Gentlemen say they wish to protect minorities. They would pardon him for suggesting that it could be no very flattering proof of their confidence in their own strength with the people, being in power, when they find themselves driven upon minorities in the States to maintain and defend them in the possession. But how should minorities seek protection from majorities, under our institutions? By seeking, in the momentary possession of power, to bind down those majorities and prevent them from the exercise of their constitutional rights? Set aside the question of right, and would this be the expedient mode for the weaker to exert power against the stronger, when it is perfectly certain that the day of bondage could not be extended beyond a single election, and not at all certain that the bonds attempted to be applied will ever be submitted to for a moment?

"Such were the views of the expediency of this measure which had presented themselves to his mind; and in the face of them, to lay out of view all other objections, he entreated Senators to look steadily and calmly at the conflict which this legislation might produce between the various powers of the federal and State governments. Pass over every question of strict power, and was it expedient to lay the possible foundation for these conflicts, when not a breath of complaint had come up from the people to call for this action? Much more, was it expedient by an assumed and questionable power, now for the first time attempted to be put in exercise, to invite jealousies and heart-burnings between the States themselves, growing out of their relative powers and rights under the Constitution of the United States, upon the subject of their representation in the national Legislature? Pass over all these difficulties, and was it expedient for

the present Congress to place in the hands of the respective State Legislatures, thus causelessly and needlessly excited, the power to cause another House of Representatives to be elected in a particular form to be prescribed by Congress, or, by their simple omission to act, to defeat any election of that body at the ordinary times and in the ordinary manner to which the people have been accustomed for more than half a century? He must hope that gentlemen would not permit themselves to force upon Congress, upon the Legislatures of the States and upon the country this important, and he might almost say organic action, too lightly and with too little reflection upon the consequences which may be involved.

"There was another aspect in which he must view the expediency of this measure, and he would close the remarks he intended at present to submit. He referred to its convenience, compared with the established election systems of the States; and as a minute knowledge of facts and localities was required to present this view in an intelligible shape, and as they might demand a different presentation for every State in the Union, he would take his own State for his illustration.

"The whole election system of the State of New York, as at present existing under the Constitution of the State, was arranged in reference to the division of the State into counties, and of these there were now fifty-eight. The ratio of representation fixed by the Senate, in this bill, would give to New York thirty-four members of the House of Representatives; and, under the provision which he was now considering, would require the State to be divided into thirty-four congressional districts; each of which should be entitled to elect one, and one only, of those thirty-four members. These districts, therefore, should be made as nearly equal in population as might consist with the reasonable divisions of the territory of the State into election districts. The elections in the State were held by towns and wards, and the counties were composed of a great variety of numbers of the one or the other or both.

"He had looked rapidly over the late census to see how far it would be possible to constitute these thirty-four congressional districts from the fifty-eight counties of the State, without break-

ing down the county divisions, and thus deranging its present established election system. The result had even surprised him, and he had been prepared to suppose that the derangement and inconvenience would be very great. He would give it to the Senate in a very brief analysis.

"The ratio of population for a single Representative, fixed upon them by the Senate, was 70,680. Two counties only in the whole State contained a population equal to or exceeding this ratio. The city and county of New York was one of these, which presented a population of 312,710. This would entitle that county to four Representatives, and leave it a fraction of 29,990, almost half equal to the ratio for another member. Under the established system of the State, this county would be constituted, as now, a single congressional district, entitled to elect four members. But under this law it must be divided into four separate districts each entitled to elect a single member; and then, perhaps, one of its wards set off to some adjoining county, to distribute more equally this large fraction.

"Here was one of his strongest objections to the practical application of this single-district system to his own State. It was to require the formation of four independent congressional districts within a territory over which a man could travel, on foot, in two hours. The public sense of the whole country had been deeply shocked by the charges of frauds upon the ballot-boxes, alleged to have been perpetrated, within the last four or five years, in various States, and most usually in the large cities and towns of those States. So fixed had become the charges, and so specific the various systems for the perpetration of these frauds, that certain technical terms, defining their various classifications, had become established as a part of the language of these cases, and were as clearly defined and universally understood throughout the country as any terms of general use in the common concerns of life. Among these, 'colonization' and 'pipe-laying' were the most significant. So far as he was informed, the practice of *colonizing* had its origin, as connected with the elections of the people in our country, in the city of New York, growing out of the fact that the members of the common council of the city were elected by wards; but inasmuch

as the city had never been districted for any purpose of State and congressional elections, the system did not have, and could not have, application to any other than the city elections for charter officers.

"Not so, according to his information and belief, did the system of *pipe-laying* originate. The city and county of Philadelphia has been, by the Legislature of Pennsylvania, divided for the purpose of holding the congressional elections; and three several congressional districts have been organized within the city and county. Here, and connected with the election of Representatives in Congress, the pipe-laying system of frauds was invented and put in successful practice; and from this point it was disseminated over the country, and especially to the other large towns. He must not be understood as making this statement to cast a reproach upon the city and county of Philadelphia, upon the proud State of which that city was so justly the pride and ornament, or upon the citizens of either, as a body. The fact was stated, because he supposed it to be historically true; and time had abundantly shown that there were not wanting men in the large and densely populated towns of other States, his own included, as willing to practice these base frauds against the freedom of elections, as were the inventors of the system in the city and county of Philadelphia.

"He had referred to this fact, further to show that the system of districting a closely-built city, for the purpose of State and congressional elections, as the city and county of Philadelphia was districted, had presented the inducements which had brought into practice this new and refined system of cheating the people through the instrumentality of their own ballot boxes. And could it even be hoped, while the street of a compact city should be made the boundary between congressional districts, that 'colonization' and 'pipe-laying' would be effectually prevented? He did not believe it was in the power of human laws to do it, when the temptations were so direct and powerful, the practice of the frauds so easy, and the chances of detection so slight.

"Was it expedient, then, for Congress to attempt to force upon the States a mode of districting these large cities for our congressional elections, which would be most eminently calculated

to perpetuate these and other frauds against the ballot box, which could not fail to multiply the temptations to commit them, and which must as necessarily increase the difficulties of detection and punishment? Every increase of the subdivisions must have these tendencies; and while, under the ratio fixed by the Senate, the city of New York would constitute but four subdivisions, if the ratio fixed by the House should be finally adopted (which seemed to him most likely), that city must constitute six independent congressional districts. That the elections in districts so constituted would cease to be any evidence of the will and choice of the legal voters of each, should be an evil of sufficient magnitude to dissuade the Senate from this action; but it was by no means the only, or even the most serious, evil to be apprehended from the prevalence of these frauds. The entire prostration of public morals to which they invariably and rapidly lead, the perjuries and crimes they engender, are much more fatal to the welfare of a free people, and to the perpetuity of free institutions, than the mere loss of a popular election.

"Was it, then — he was compelled to repeat the inquiry — was it expedient for Congress, at this time — when the public alarm was broad and deep in relation to these frauds, when numerous portions of the people, if not the whole people of the nation, were smarting under the conviction of injury, injustice and misrepresentation as the fruit of them — to put forth its strong arm to force into being a system which must foster and perpetuate them? He could not think so; but he would proceed further in his examination as to the expediency of this measure in its local bearing upon his own State.

"A single county, other than the city and county of New York, would have population sufficient, under the ratio established by the Senate, to constitute a congressional district. He referred to the county of Oneida, whose population would entitle it to one Representative, and leave it a fraction of 14,630. These two counties aside, there would remain fifty-six counties in the State to be divided into twenty-nine congressional districts, and of those counties he would give a very brief analysis as follows:

"Of those which have a population between 70,000 and 65,000

there are two. These would so nearly approximate the ratio, as to be made reasonably to constitute single districts.

"Of those which have a population between 65,000 and 60,000 there are four. Admit, for the sake of this action, that these counties, too, make a sufficiently near approximation to the ratio, as they cannot vary from it more than about 10,000, and there will be eight counties of the State disposed of.

"Fifty will remain, standing in a classification of five thousands, as follows:

"Between a population of	60,000 and 55,000	two counties.
" "	55,000 and 50,000	three counties.
" "	50,000 and 45,000	six counties.
" "	45,000 and 40,000	nine counties.
" "	40,000 and 35,000	five counties.
" "	35,000 and 30,000	five counties.

"Here were thirty more of the counties of the State presented, the last ten of which might, by being coupled, constitute districts under the ratio of the Senate, without making a wider departure from that ratio than had been assumed to be permissible for the eight counties first noticed, were it not that each district must be constituted of *contiguous territory*, a qualification which may, in many, and must, of course, in some cases, render the arrangement of coupling these counties an impossibility. Still there would be twenty counties in this group from which single congressional districts could not be constituted without a division of the counties, or an entire disregard to the proper and constitutional relation between population and representation.

"Twenty counties yet remained of various populations, all under 30,000, and averaging 18,795 souls. How far these might be grouped so as to form single districts, with a reasonable approximation to the supposed ratio, he had not attempted to ascertain; but the facts that these twenty counties were scattered in different sections of the State, and that each district must be of contiguous territory, would show that, by themselves, they could not be so grouped, to any considerable extent, as, at their average population, it would require nearly four of the counties to form a single district.

"He had made this minute examination of the practical effect

of the bill upon his State, because her whole election system was by counties, and to divide them for the formation of congressional districts would be to break up that established system, and to introduce political classifications and associations with which her people were not accustomed. So strong had been the attachment of that State to elections by counties, that the Constitution of the State prohibited the Legislature from dividing them for any purposes of the State elections, and since the adoption of that Constitution, in the year 1822, no county in the State had been divided in the formation of congressional districts.

"Of the practical effects of this measure upon the election systems of other States, and upon the customs, conveniences, feelings and interests of their people, he had not the information which enabled him to speak. An example, drawn from the State which it was his duty to represent here, and which might be more or less applicable to other States, was his exclusive object in making these references, and, that done, he would dismiss the topic.

"And, with that topic, he would dismiss the argument, for the present, at least; merely again inquiring whether it was expedient for Congress to press this action, wholly without solicitation — wholly without complaint against the established system of the States for holding these elections — in the face of the fact that some of those systems must be entirely broken up to carry this out — and without any certainty that the Legislatures of the States will lend their aid to carry out this mandate of Congress? Was there any sufficient inducement, having its foundation in principle, in expediency or in patriotism, for Congress to provoke the collision between the governments of the States and this common government of the whole, which this simple and brief enactment might provoke? He could see no such inducement.

"Hitherto he had considered simply the provision sent here from the House. The committee of the Senate had recommended such a modification of that provision as to allow the States to hold these elections by general ticket or by single districts. For that modification he should certainly vote; for no member of the Senate could be more reluctant than he was to bring on a collision between the State and national governments; and every

feature of the proposed unwise action, which gave to his State an additional alternative in the latitude of choice, would certainly receive his support; not because any such modification could make the action, in any form, acceptable to him, but because it might render it, if forced upon them, less objectionable to his constituents and to the Legislature of his State. His vote must be given against this section of the bill, in any form which his imagination had suggested to him; but, if it must become a part of a law of Congress, he would, so far as might be in his power, give it the least injurious form. [After the debate upon the second section of the bill had been continued for some time, the question was taken upon the amendment reported by the committee of the Senate, allowing the States the option to elect their Representatives by general ticket; and the amendment was lost. Mr. Wright then offered an amendment, proposing so to modify the section sent up from the House as to declare that the States should be divided into single districts, so far as that could be done under their established election systems; but that the Legislature of no State should consider itself called upon to divide counties, or other established election districts, for the purpose of forming single election districts under the act.] Upon offering this amendment, Mr. W. made some remarks, the substance of most of which was a repetition of the views and arguments before given — that he felt constrained to make this one more effort to give the bill such a form as would enable the Legislature of his State, and the Legislatures of other States similarly situated, so far to conform to it as to avoid the probability of a conflict between the States and this government. This obligation had become more imperative, since the declaration had been distinctly made, as it had been upon a former day by the honorable Senator from Mississippi [Mr. Henderson], that it was intended that the Legislatures of the States should obey this law strictly, or that the people of the States should forfeit their right to be represented in the other branch of Congress; and that Representatives elected by the people of any State, although in conformity with the only regulations prescribed by the Legislature of the State, if those regulations did not con-

form to this law, were not to be permitted to take their seats as members of the House of Representatives.

"It was manly in the honorable Senator to make this declaration, if such was in fact the intention of the friends of the provision, and if so it was intended to be carried out; because it was meeting the question fairly and frankly. But he must express his profound regret at learning that the intentions of the majority here had this extreme limit. He had, upon a former occasion, shown that the right of the people of the respective States to elect Representatives was a positive constitutional right, reserved to them in the second section of the first article of that instrument, and not held under this fourth section, or by virtue of any law of Congress; that the object of the fourth section was to confer upon the Legislatures of the States and upon Congress the power, and to make it the duty of those legislative bodies, to prescribe regulations for the exercise of this right by the people of the respective States; and that the power to regulate the exercise of the right could not be a power to destroy or defeat the right itself.

"Still such may, and, if the friends of the enactment can carry out their intentions as declared by the honorable Senator, in many cases, most probably will, be the effect of this legislation. It is admitted on all sides that the people cannot act under this law, unless the Legislatures of the respective States will pass State laws to carry out the principle here adopted. It is also admitted that Congress cannot coerce the State Legislatures to this action. The people certainly cannot compel Legislatures already elected to obey this mandate of Congress, even if they should desire to do it — which in many States may not be the fact; and the opportunity to make an election at all may have passed away before Legislatures, newly elected, can be convened to organize these districts. Still we are told, if the people of a State proceed to elect according to the laws in force, and the only laws they have or can obtain to regulate their elections, their chosen Representatives are to be turned out of the House, and thrown back upon them, and their election to be treated as a nullity.

"This appeared to him to be high ground for the Representatives of the people to assume toward the people themselves —

for the servants to take with their masters. And he must entreat gentlemen to examine well their case, and the consequences which may follow their action, before they rush upon a conflict which may be more serious and more difficult than they seem to have anticipated. He must not be misunderstood. He did not say that the Legislature of a single State would disregard this law, or fail to make the single districts, as required. Much less did he, or could he, say that the Legislature of his own State would disregard it. He did not know, nor did he wish to know, what that Legislature would do, when it should come together, in August next, to make regulations under which the people of the State might elect the Representatives to which they should be constitutionally entitled. It was enough that he did know that body would do what its members should conscientiously believe to be their duty to the State, to the Union, and to the Constitutions of both; that they would make regulations not to defeat or impair the right of the people to be represented, but to preserve and protect that right — regulations under which the people of the State could act, and would act, and would elect Representatives to the next Congress; and further to know that, in making the regulations they should make, they would avoid all conflict with the authorities, or the acts of this government, so far as that can be done with the preservation of principle and honor.

"Suppose, however, that that Legislature, or the Legislature of any other State, shall be of the opinion (as he was most conscientiously) that this law of ours has no binding force upon its action, either moral or constitutional, and that the true interests of the State in its charge require regulations different from single districts. What shall the Legislature thus situated do? Its members cannot, against their own sense of right, when they feel no obligation compelling them, do what they would not choose to do. Shall they decline to act at all? Then the people cannot elect their Representatives; this great constitutional right is lost, and the loss will lie at the door of the Legislature; for it will not do for the members to say they could not prescribe the regulations which the Constitution has made it their imperative duty to prescribe, because Congress has passed this law, when they deny that the law of Congress has any binding power

over their action. They must, then, act. Their oaths to support the Constitution will compel them to act. If they believe this law binds their consciences and their acts, they will obey it and make their legislation conform to it. If they do not so believe, they will act according to the dictates of their consciences and make such regulations as they believe their high and responsible duties require they should make. In either case they will act, and the people will (as they must, if they do not intend voluntarily to forfeit this vital right) act in conformity to the regulations which their respective Legislatures shall prescribe.

"And who shall say that this action of these Legislatures, and these elections of the people of the sovereign States, are null and void? Is this body to pronounce that high judgment? What says the Constitution on this grave matter?

"'Each House shall be the judge of the *elections*, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business.'

"The House itself, then — the very persons elected by the people — are to be the judges whether or not their elections, made in conformity to the Constitution and to the only laws in existence under which elections could have been held, are void elections. Cannot gentlemen suppose it possible that this very 'quorum,' which has the authority to do business, may be composed of Representatives not elected in obedience to this inoperative law of ours? And, in such a case, do they believe those Representatives would vote themselves out of the House, and thereby break up the Congress and the government? Do they think a contrary course on the part of Representatives so elected would be usurpation? Suppose, then, they should choose to be very modest and stay out of the hall, while the persons elected in conformity to this law should attempt to occupy it, would the case be improved? A minority, however elected, could not 'constitute a quorum,' and could not, therefore, form a House or 'do business.' Should he be answered that this minority had power to compel the attendance of absent members? This was so, — but could they compel the attendance of those whom they were ready to insist were not members? Could

they force men into the House to help in forming a quorum, for the mere pleasure of voting them out by that quorum? And even suppose that would be a legitimate exercise of power, what would be gained when the purifying process, under this law of ours, should be completed? Still there would be no 'quorum,' and of course no House.

"Again: How is it to be ascertained whether or not the Representatives of a State have been elected in conformity with this rule of ours? Congress directs no form of evidence which is to constitute a *prima facie* title to a seat in the House. The laws of the several States, therefore, are to be followed upon that point. What they now were in other States he could not say, but with the law of his own State regulating these returns he was acquainted. The final canvass of the votes for members of Congress, in that State, is made by certain State officers designated in the State law; and their certificate of the results, officially signed and certified by the Secretary of State (who is one of them), under the great seal of the State, is the *prima facie* evidence upon which the whole delegation from that State for a long time have held, and now do hold, their seats in the present and former Congresses. That piece of testimony is entire, and embraces the whole delegation, and the credential habitually furnished to each member is but a copy of that general certificate thus authenticated. The copy which controls the list for the House is transmitted to the Clerk of that House, and from it that officer makes up his roll of members of a new Congress. The certificate does not give the state of the poll or the manner of election, but the mere fact that A. B., by the greatest number of votes, has been duly elected a member of Congress for the ——— district; and so on to the end of the whole list of delegates.

"Now, who is to say that the Representative, who presents this *prima facie* evidence of an election, has not the *prima facie* right to his seat, and, consequently, to a vote to determine who are the regularly and properly and constitutionally elected members of the House? Shall it be said that the *prima facie* evidence must show that the election has been made in conformity to this, our law, or that it shall not be accepted as *prima facie* evidence at all? We do not say so in our law; and who is to

say it if we do not? Certainly not the man who, under the appellation of clerk, makes out the list; because he is not, in fact, a public officer at all, either of the House or of any department of this government. Who, then, is to determine this point? The 'quorum' of the House. How is that 'quorum' to be formed? By men having the legal *prima facie* evidence that they are members of it. In the absence of any law of Congress to define that evidence, how is it to be ascertained? By the laws of the respective States. And this brings the argument back again to the point from which it started, and cannot fail to show gentlemen the impotency of their law, in case a number of States, holding the right to elect a majority of the House, shall choose to disregard it.

"Would not these considerations satisfy the Senate that this legislation was unwise and inexpedient, if it was not unconstitutional? And would not the majority be persuaded at least to permit such modifications of the enactment as to be likely to secure the acquiescence of the Legislatures of the States to its provisions? He hoped they would.

"He could not consent to be understood as making these remarks, or moving this amendment, under the apprehension that his State would fail to be fully and promptly represented in the next and every other Congress. He had not been able to work up any such fear in his mind. When her people shall have elected the number of Representatives to which she is constitutionally entitled, in conformity to the only laws and regulations in existence under which that people can hold such an election; and when her Representatives, so elected, shall present themselves, with all the *prima facie* evidence of right required by any law, and claim their seats as members of the House of Representatives, the very idea that they were to be countermarched, and sent home to inform their constituents that their elections were null and void, was, to his mind, too ludicrous to excite apprehension. The State would be represented, and her Representatives, at home and here, would be held by her people to the most rigid performance of all their duties, as well to the Union and the Constitution, as to herself; while they would be required to be ever watchful that neither their rights, the rights of their

States, or the rights of the Confederacy, were wantonly encroached upon by unwarrantable assumptions of power in any quarter. [The debate on the amendment offered by Mr. Wright occupied the Senate for several days, opening again the whole debate upon the second section of the bill; and toward the close of that debate, Mr. Wright again addressed the Senate, repeating many of the arguments advanced by him upon the two former occasions, and adding to them the substance of what follows.] Mr. Wright said he owed an apology to the Senate for again asking to occupy its time upon this provision of the apportionment bill. Had not his last remarks — made, as he believed, under too strong feeling — given the occasion for the protracted debate, he would not have claimed the indulgence. It had not been common with him to make remarks when his feelings were excited; and this instance might, and probably should, go far to satisfy him of the correctness of his general rule, and of the incorrectness of this single exception.

"He had an apology, however; and it was due to himself that he should make it, and the subsequent debate had enabled him to make it intelligibly to all. He had seen and felt that the arguments by which this enactment was sustained were of a character with the enactment itself — an effort on the part of the small States to weaken, by division, the strength of the large ones; though no speaker had been frank enough openly, and in terms, to avow that object. The honorable Senator from Maryland [Mr. Merrick], sitting close upon his left, had addressed the Senate in his usual fervid manner, and, in the course of his remarks, had fallen little short of making this distinct avowal. He had said, and repeated, that now was the time; and, if Congress ever expected to be able to curb the power of the large States, it must be done in this bill; that, if the lapse of another ten years was permitted to roll round, the opportunity would be gone forever; and the like remarks.

"Now, he had been accustomed to hear, in this body, complaints uttered, and alarms expressed, against the power of the large States, until they had almost ceased to excite even his attention. They were mere talk, not only without proposed action, but, in most cases, without even unkind feeling. It was

the habit of the Senators from the small States, indulged upon occasions when they feared partiality in the action of the House upon appropriations, or other measures, in which their States had a peculiar interest. These appeals could not have excited him, because he had heard them too often, and seen too frequently their groundless character.

"The present, however, was not that case. Here was proposed action, calculated peculiarly to bear upon the large States, and advocated because it would do so. It was not merely that, but action so framed — not as to propose that Congress should bind down those States and command their submission, but as to command them to bind themselves, and claim the obligation as imperative upon them. Not feeling the force of the obligation, morally or constitutionally, the very mandate seemed to him to savor of arrogance; and the manner in which it was pressed appeared to tend rather to aggravate, than to soothe, the feelings which an arrogant demand is likely to excite; and, as an humble representative here of a large State, he permitted himself to speak under the impulses thus aroused. If he had gone beyond the bounds of propriety or duty he sincerely regretted it; and he was sure the feelings under which he had spoken would, after this recapitulation, be appreciated by the Senate.

"If he was, at the time he spoke, mistaken in the spirit of the remarks to which he replied, he could not now be mistaken upon that point. The honorable Senator from South Carolina [Mr. Preston], with the frankness of his character in debate, had made the declaration, in terms, that this was *a war of the small States upon the large.* He could not be mistaken in the terms or purport of this declaration, for the honorable Senator from Missouri [Mr. Benton] referred to, and repeated, the remark immediately after it was made, and was not corrected by its author. This was but the substance of the remarks of the Senator from Maryland, to which he more immediately replied, and only varied from them in being in terms what was expressed in intention.

"Holding his place here as one of the representatives of one of the large States, he yet thought he should have been insensible to his highest duty if he had not said what he did say. It was

for the State he represented to say how far she would remain passive while this war was waging upon her. For her course, as defendant in such a contest, he had not ventured to speak; but he had, as one of her representatives here, felt bound to point out to the Senators her constitutional means of protection and defense, and to entreat the body to pause and reflect before they drove her, by these hostile movements, to resort to them. If, in this, he had exceeded the bounds of his public duty, to the generous people of that State was his responsibility; and to them would he, at all times, cheerfully account for his course upon this and all other measures.

"Another feature in this renewed debate equally called upon him for reply and explanation. He had found himself, most unexpectedly, converted into a *nullifier*, and the Senate had rung, for days, with the surprise and extravagance of his nullification. The circumstance could not fail to call to his mind the fact that, but a few years since, he was, in an equally captious manner, made a political *loco-foco*, and with very much the same hard fortune. He did not then except to the appellation of *loco-foco*, but insisted upon his right to define the meaning of the term as applied to himself. Under his definition of it the fathers of that church, in its early days, read him out, and would not recognize his membership. Yet his definition had prevailed, and the political church bearing that appellation had spread and increased and multiplied, until now those who sought to fix the term upon the democracy of the country as one of reproach most studiously avoid it, and substitute in its place the true political designation of 'democrat.'

"So with his nullification. He had not been known as a member of that political sect; but something in his late hasty remarks, and he was yet at a loss to tell what, had brought the appellation upon him, from almost one entire side of the Senate; and yet, before he could obtain the floor to say that he did not object to the name, but must claim the right to define it for himself, the father of the sect here, the honorable Senator from South Carolina [Mr. Preston], rose in his place and read him out of that church also. Under such circumstances he could scarcely say more (and he could certainly say nothing less) than that he found no occasion

to withdraw or to modify the remarks he had made, so far as principle was involved, whether the sentiments uttered should entitle him to one political name or another; nor was he now, nor had he ever been, very anxious about the name, provided the principle he espoused and advocated was clearly defined and unquestionably sound.

"He had met with another surprise in the course of this renewed debate, which also demanded a notice from him. It was, that almost all the gentlemen who had spoken in favor of this enactment, since he had made the remarks now referred to, had put the power of Congress to pass this provision, not upon the Constitution as it reads, but upon what they chose to allege was his admission of the constitutional power; and the honorable Senator from Kentucky [Mr. Crittenden], not now in his place, had charged him with discovering a new class of powers in the Constitution and with having given to them the name of 'technical powers;' and the learned gentleman indulged in a protracted argument to show that there were no such powers conferred upon Congress by the instrument, and therefore the admission that the power was conferred in any form was, in effect, an admission that it fully existed.

"Now, what admission had he in fact made? He would try to repeat the substance of what he intended to say, and what he believed he did say; and if any Senator should find him varying materially from the ideas upon this point which he had formerly presented he hoped he should receive prompt correction, because it was his present object to make frank and full explanations upon this point. He had observed, or thought he had observed, on the part of the friends of this enactment, a strong desire to confine the argument to the constitutional power of Congress, under the Constitution, to make or alter the regulations touching these congressional elections. He did not intend to place his argument upon this point at all; and, therefore, he had said repeatedly that it was not his object to deny that power. He had read from the proceedings of the State conventions which adopted the Constitution, as he declared at the time, not to show that the power was not given to Congress, if the language of the Constitution was to be *technically* construed, but to show that,

according to the spirit of the instrument, and the intention of its framers, Congress ought not to attempt the exercise of the power, except in cases where the States should neglect, or refuse, or be unable to exercise it, or should exercise it in derogation of the right of the people, the exercise of which was to be regulated. This he thought then, and thinks now, he did show as far as it is possible for cotemporaneous exposition of the meaning and intention of a grant of power to show what should be its practical construction.

"Still, he did not rest his argument here; but placed it mainly, and almost exclusively, upon the ground that, admitting the power to exist in Congress as fully as the friends of the provision claim that it does, if Congress choose to bring it into exercise under its authority, it must provide for that exercise by its own laws, and has not the constitutional power or right to call upon the State Legislatures to pass the laws necessary for its exercise in the way Congress shall direct. This was, and is, the main point of his argument against this enactment as here proposed; and any admission made by him, of the constitutional power of Congress over this matter, was made in the course of his illustrations under this head, and for the sake of the argument simply. Hence, when appealed to, as he repeatedly was, to say whether he admitted or denied the constitutional power of Congress to pass this identical bill, he had replied that he did not, for the purposes of this argument, deny the power of Congress to make regulations for these elections by its own laws, or by its own laws to make such alterations of the existing regulations of the States as it should choose, and as should be consistent with the preservation and exercise by the people of the right to be regulated; that he did deny the constitutional power of Congress, either in terms or in effect, to call upon the Legislatures of the States to alter their own regulations; that as the provision in this bill might be one appropriate step toward the exercise by Congress, through the instrumentality of its own laws, of the power to alter the regulations of the States, and as it did not, in terms, command the action of the State Legislatures, it might not be strictly proper to say that Congress, in passing it, would transcend, or violate, its technical constitutional power over the

subject; but that, standing by itself, and without any further action on the part of Congress, it would be an exercise of the power so partial and imperfect as to be wholly ineffectual, and the enactment itself would be wholly void, both as to the State Legislatures and the people of the respective States. These were his grounds, and such was the extent of his admissions.

"His honorable friends upon his right and left — the Senator from Mississippi [Mr. Walker] and from Pennsylvania [Mr. Buchanan] — had generously come to his aid, and had shown so clearly the entire want of constitutional power in Congress to bind the action or discretion of the State Legislatures upon any subject upon which they were called to legislate, as to have relieved him from discussing that point further. They had shown — what left little else to be shown — that the very object of changing this federal government from its confederated to its constitutional form, was to relieve Congress from its dependence upon State legislation to carry out its powers and duties, by enabling it to act directly upon the people, and to relieve the State Legislatures, within their constitutional spheres, from congressional control and congressional dictation; and that those two great and vital objects were accomplished by the change.

"This, he verily believed, was the first attempt on the part of Congress, since the formation of the government under the Constitution, by its law, to give form and direction to State legislation upon a matter of public and constitutional right; and he begged gentlemen to see what they demanded, and in what position they were about to place the representatives of the people acting in the State Legislatures. We are about to demand that they shall divide their respective States into single districts, for the purpose of electing their members of Congress. Suppose they conform to our will, and make the districts, and the people of any State are dissatisfied with the arrangement, and demand the repeal of the law at the hands of their representatives; can they, or can they not, repeal it? Will it be contended, in any quarter, that we can make the law of a State Legislature irrepealable? — that we can take from one of these Legislatures the power to repeal any public law they themselves can pass? — that we can give to the Legislatures of this year the power to

pass such a law, which their successors of the next year cannot repeal, or alter, or modify, at pleasure? He was not yet prepared to expect that such a claim of power would be put forward, even in this Congress.

"Again, take one of those Legislatures in a State where the established system of electing members of Congress has been, and is, by general ticket. The members are sworn to support the Constitution of the United States and the Constitution of their own State. These are paramount obligations. What is the next in importance and binding force upon the Representative? Obedience to the will of his constituents — the sovereign people of his State. Such a Legislature enters upon its duties under this now apportionment. The law shows them the number of Representatives which the people they represent have a constitutional right to elect. The members examine the Constitution of the United States, to learn their obligations there; and they find that 'the times, places and manner of holding elections for Senators and Representatives *shall be prescribed* in each State by the Legislatures thereof.' They ask themselves, what regulations, under this broad power and this strong injunction, they should prescribe for the people of their State — and the answer is, an established system of more than fifty years, and against which not one single voice of complaint has ever yet been raised. They look to the Constitution of their particular State, and find that, while it does not attempt to interfere with these elections, it recognizes and confirms and establishes, for the State elections, the systems to which their people are attached, and with which they have been accustomed. The case is then made easy to them, because their duty to the respective Constitutions and to the will of their constituents may be made perfectly to harmonize.

"At this moment this law of Congress is forced upon their attention, and they are told — You are here required to divide your State into as many districts as your people are entitled to elect members of Congress; and if you do not do it, your people cannot elect Representatives; or, if they do, those elections will be pronunced a nullity, and your State and people will go unrepresented.

"This presents a new case. The members of this Legislature

examine again. They find the language of the Constitution of the United States, as to their powers and duties, precisely what he had just read; and they find these further words added, in the same paragraph — 'but the Congress *may* at any time, by law, *make* or *alter* such regulations, except as to the places of choosing Senators.' They answer, at once, this is a power given to Congress — not a duty imposed upon us. We *shall prescribe* regulations; Congress *may make* them. We *shall prescribe* the regulations necessary to enable our constituents to exercise this great right of electing Representatives; Congress *may alter* the regulations we do prescribe for that purpose. Where, in all this, is the power or the right, in Congress, to tell us what particular form of regulations we shall prescribe? — to tell us to alter the regulations we have prescribed, and what particular forms of alteration we may or we shall make? — or to tell us we shall disobey the will of our constituents by either action? We do not find this power given to Congress in the Constitution. That says Congress may make, and Congress may alter what we do make; but not that Congress may command us to do either. It does say, however, that we *shall prescribe* these regulations; and, in obedience to that injunction, we will do it as our constituents wish to have it done; and if Congress shall choose to make regulations in the place of ours, or to alter those we do make, that shall be a matter between it and the people, not between the people and us.

"Could the members of a Legislature thus situated, and holding opinions such as these, reason differently, or act differently from the course here indicated? It seemed to him not. And yet such is the dilemma into which this legislation proposes to throw the State Legislatures; and such are the dangers of conflict between the governments which it not merely invites, but provokes. Was it — could it be expedient to take the step, without complaint on the one side or invitation upon the other?

"The honorable Senator from Connecticut [Mr. Huntington] had said that this measure was desirable to prevent 'gerrymandering' in the organization of congressional districts. He could not say that he very well understood this term; but he believed he comprehended its general import, as he thought he recollected

its early history, and that it perfectly prostrated the party which attempted to avail itself of its benefits. This, he had no hesitation in believing, would be its consequences, as often as its practice should be attempted upon an honest and intelligent constituency. Was this measure, however, to diminish the dangers of this practice?

"He had already given a minute account of the political divisions of his own State, and had shown that there were but fifty-eight counties of the State from which the Legislature, under the present system, felt itself authorized to form combinations, even for the organization of congressional districts. He had examined the constitution of those districts under the last apportionment, and found that single districts were formed, falling 11,990 souls in population below the established ratio, and others rising 6,886 above that ratio — thus making the extremes of population between single districts 18,876, almost the one-half of the entire ratio; and that, to avoid the division of counties. He had also shown that, under this bill, the counties of the State must be divided; and when that principle was forced upon the Legislature, what would be the relative power to introduce the 'gerrymandering' system under the one policy and the other? As it is, the Legislature will have fifty-eight fixed parcels of territory only out of which to form their combinations. As this enactment proposes to make it, compelling them to divide the counties, we resolve the territory of the State into the towns and wards (of which there are about 900), and place in their hands those fixed parcels of territory, instead of the fifty-eight, from which to form their combinations for thirty-four congressional districts. Is there a comparison between the power to 'gerrymander' under the one system and the other, if the corrupt disposition exists? And without it, this danger does not exist under either plan.

"Another argument, very much relied upon by the friends of this enactment, was, that the system of single districts was *democratic*, and therefore ought to be adopted. Did gentlemen forget that democracy did not permit the Representative to force even that which was democratic upon the constituent, against his consent? That the people of the respective States were mostly democratic? That the State Legislatures were now very generally

democratic? And he could tell them — what his observation had long since proved to him — that both the people of the States and the Legislatures of the States were very strongly convinced that there was not usually, and especially now, any more practical democracy in these halls of Congress than was required for consumption and use here; and that, if an infusion of democracy were to be forced either way, it would much more naturally come from the people and their Legislatures here, than go from here to either. His honorable friend from Connecticut [Mr. Huntington] had pressed this argument very earnestly; and he must tell him, he feared his democratic constituents of New York might make to him, when they heard the democratic character of this measure so strongly urged upon them from such a quarter, that reply, which he certainly would not himself make — that they might respond, in answer to the earnest democratic appeal of that Senator, 'Timeo Danaos et dona ferentes.'

"Passing the other arguments by which this novel enactment was attempted to be sustained, he wished to bring the Senate, for one moment, to the consideration of the great interests — he might almost say, in a political sense, estates — involved in this action.

"The first, in the constitutional order, was the people of the respective States, to whom the right of electing Representatives to the Congress was expressly reserved.

"The second was the Legislatures of the States, upon which the duty was devolved, in the absence of any action on the part of Congress, to prescribe the regulations necessary to enable the people to exercise this great constitutional right.

"The third was Congress, upon which a discretionary power was conferred to make these regulations, if the States did not, or to alter the regulations which the States might have made.

"The first (the people) have acted under the Constitution, and performed the duty enjoined upon them, in a way to preserve the right of the people and its practical and beneficial exercise.

"The second (the Legislature) have thus far enjoyed their great right under the regulations of the States — and that, too, without injury or complaint.

"The third (Congress) now comes in and proposes, not to make regulations by its own action — not by its own action to alter the

regulations which the States have made — but to prescribe certain rules by which the Legislatures of the States shall alter their own regulations.

"Congress admits its want of power to compel the State Legislatures to comply with its prescription, and alter their regulations to conform to it. And how does it propose to attempt coercion upon them? By abridging any of their powers or privileges? No; but by forfeiting this great right of the people of the State to elect Representatives, if their Legislature do not comply.

"Thus the fault is to be either in Congress or in the State Legislature. The people can coerce neither; and yet the forfeiture for the fault is to be visited upon the only innocent party of the three — the people, who cannot make the regulations, and whose most essential right is to be forfeited if they are not made. Was such action, on the part of Congress, constitutional, or wise, or expedient? To his mind, it was neither.

"A single remark further should relieve the Senate. His honorable colleague had seemed to suppose that, in expressing his want of knowledge of the course which the Legislature of their own State would pursue under this enactment, in case it should become a part of a law of Congress, he had made a blot upon the escutcheon of the State. He would not undertake to say whether it was his fault, or his misfortune, that he could not look into futurity and tell what would be the actions of men hereafter; but the fact was so. He did not know, and therefore could not tell; and if that was to be charged against him as an offense, or a dishonor to the State, he could only say that it had proceeded from the mistake of his respected and intelligent constituents in sending so ignorant a representative here.

"The same Senator had assumed that, by the same declaration, he had dishonored the memories of the Hamiltons and Livingstons and Clintons and Tompkinses of their State. The memories of all the patriots and statesmen of New York, of the present and of former days, ought to be dear to him, and he thought they were so; and while he could scarcely hope to avoid reflecting dishonor upon them, by the inadequacy of his powers to discharge in a manner worthy of their memories the high and responsible duties pertaining to his present station, he would say to his col-

league, that to a man who had drunk less deeply from the political doctrines of the Hamiltons of New York, and more deeply from those of her Livingstons and Clintons and Tompkinses, the idea would never have occurred that opposition to this provision of this bill was placing a blot upon the clear escutcheon of that proud Democratic State."

It was at the conclusion of this debate that his colleague, Mr. Tallmadge, lost his usual dignified courtesy and yielded to a censorious feeling, more common among his new associates than to himself, which led to the following remarks. On Mr. Tallmadge referring to Mr. Wright's closing remark, he asked "what the gentleman did say:"

"Mr. Wright observed, that what he did say was, that if the gentleman had drunk less deeply of the doctrines of Hamilton, and more deeply of the doctrines of the Livingstons and Tompkinses, he would not have assumed that resistance to the exercise of this power by the federal government would be a blot upon the escutcheon of the State of New York. [Mr. Tallmadge replied, he contended that he had shown his democracy in his State, upon the occasion of the electoral law, when his colleague advocated doctrines contrary to those of his friends, but on his own judgment, and was overthrown.] Mr. Wright observed that, if the Senator meant to say that he had advocated the measure, it was not true. [Mr. Tallmadge entered into some details of the circumstances alluded to, accusing Mr. Wright of having been in favor of the electoral law, and afterward voted against it. He narrated the occurrences of the day, as far as his colleague was concerned in them.] Mr. Wright remarked that much of what the Senator had narrated was very true; but he could not say so with regard to his inferences or deductions; for instance, in his assertion that, before the election, he, Mr. W., was pledged to vote for the law giving the election of electors for President and Vice-President to the people. This was not the fact. He was under no pledge of the kind. It had been imputed to him by his political opponents that he was; but the assertion was false then, and it is false now. [Mr. Tallmadge

would ask his colleague whether he was not actually, at the time, in favor of the law; or had so avowed himself after he took his seat in the Senate?] Mr. Wright answered, No, sir; I was not; I did not. [Mr. Tallmadge: If not after you took your seat, before it?] Mr. Wright: No, sir; not at all, sir. [Mr. Tallmadge: Well, I will undertake to show it.] Mr. Wright: Very well, sir; do so if you can."

Mr. Tallmadge never did show what he promised, because he could not. We have shown this charge to be entirely unfounded. This collateral discussion enabled Mr. Wright, in a fitting manner, to deny the accusation and challenge the proof, which had no existence.

The bill finally passed and became a law on the 25th of June, 1842. It gave a member for every 70,680 persons, and provided for the election of 242 members by single districts.

CHAPTER CV.

RENEWAL OF THE CHARTERS OF THE DISTRICT BANKS.

The charters of the District banks had been extended, by the act of 1841, to July 4, 1844. An application for recharters was made and discussed at this session. New questions were presented on each occasion, when this subject was before the Senate, but no law was passed. Mr. WRIGHT, on the 8th of March, 1842, thus addressed the Senate:

"Mr. WRIGHT said he felt that he owed an apology to the Senate for again troubling them with any remarks; and he would in some degree atone for trespassing upon their patience by endeavoring to make his observations as brief as possible. The immediate question before the Senate, he believed, was a proposition to recommit the bill, with specific instructions to the committee to make certain inquiries, and to report the result. His own course upon this question would be easily defined. He would be content with whatever course the majority might choose to adopt; but with regard to the grounds upon which the bill itself was based, the arguments which had been advanced in its support had no influence whatever upon his mind, for it was impossible for him to believe that a bank transacting its affairs by means of an irredeemable paper could be a blessing or a benefit to any community. On the contrary, he believed it to be a positive and distinct injury. Whenever a bank ceased to redeem its paper in specie or in paper equivalent to specie, the best disposition that could be made regarding it would be to send it at once into a state of liquidation. He was aware that there was a great diversity of opinion upon this point, and a large majority, he regretted to find, speaking in a political sense, entertained opinions contrary to his own. Why was it that the passage of this bill was pressed, independently of the general considerations of allowing banks to

do business while in a state of suspension? because the Senate had expressed an opinion adverse to the principle of authorizing suspension generally. It was for the purpose, then, of arriving at the result, by a somewhat different process, that it was proposed to give these banks authority, not to issue their own paper in an irredeemable state, but to do what was decidedly worse, to issue the irredeemable paper of other banks, for which they themselves were responsible in no shape whatever.

"No man could know with certainty as to the credit on which it rested, as he might know, if it were the paper of the banks themselves. He would infinitely prefer that they should be permitted to issue their own paper, while in a state of suspended specie payments, rather than continue, as had heretofore been the case, to be ostensibly specie-paying banks, while they carefully abstain from issuing any paper which they are bound to redeem in specie. This bill authorized them to pay the laborer and the farmer in an irredeemable paper, about which they had no responsibility. And it was said that this was necessary, if he understood the arguments which had been used, because the banks have debts due to them, and their debtors could not pay them unless they were permitted to pay in this irredeemable paper. He could not perceive what they had to do with the collection of the debts of the bank. The Senate could have no control whatever as to the medium in which those debts should be collected, and yet the arguments of the Senator from Maryland seemed to rest upon the injustice which these banks would suffer in consequence of receiving the depreciated notes of other banks at par. [Mr. Kerr rose to explain. His statement, he said, was that the banks could not, without injustice to themselves, receive that medium of exchange or currency which they were not at liberty to issue as their own, for whose repayment they would be under the necessity of buying specie for that purpose, unless this law were passed.] Mr. Wright said he was speaking, not of deposits, but of the collection of the debts of the banks, and if they chose to collect them in a medium which did not happen to be money, they were responsible to nobody for that. They had not to pay it back anywhere. As to the collection of their debts, therefore, the provisions of the bill were of no importance at all.

The passage of the bill could not alter their rights of receiving payment in such manner as they thought proper.

"Again, they were told that the bill was necessary, because the community want to deposit in these banks this irredeemable description of paper. They want a place of safe-keeping for it. Well, did they require this law for that? The community, if they please, may deposit their newspapers in these banks, but they would hardly think of asking Congress to be allowed to pay out these newspapers as money. The only question was, should these banks, because they receive from their customers this depreciated paper, compel the community, through the action of Congress, to receive it from them as money. That was the question. It seemed to be conceded that, as the community is flooded with this bad, this depreciated paper, somebody must be the loser, unless Congress could be prevailed upon to legalize it as a currency. The matter seemed to involve a doubt as to whether the present holders of the depreciated currency should be the losers, for the banks were pretty likely to take care of themselves and avoid loss, or whether Congress should, by passing this law, force it upon the citizens here, whose interests they were, in an especial manner, bound to protect. If Congress should abstain from making irredeemable bank paper a currency here, it would be precisely at the option of this community to have a good, sound currency, or a bad one. If they choose to refuse these depreciated notes of distant banks, they would not be brought here. And it did not follow, as a necessary consequence, that trade would be at all restricted.

"What had been the fact with regard to other States? He had been informed, and, he had no doubt, rightly informed, by a gentleman who was well acquainted with the business transactions of one of the western States, a State in which the currency had been as bad — he spoke now with reference to its depreciation — as that of any State in the Union, that a year ago the Legislature of that State attempted to relieve the community by issuing a currency, and they accordingly authorized a large amount of treasury notes, if they might be so called, to be issued in notes of a small denomination for the purpose of circulation, and provided ample means for their final redemption. But it

did not succeed; the value of the notes fell, not so low perhaps as bank paper, but they depreciated rapidly, and his informant added — and he was one who had an opportunity of speaking from personal knowledge — that the people of the State, the men of business, the farmers, those who had property to sell, simultaneously and quietly resolved that they would take none of the paper currency, neither that of the suspended banks nor the depreciated paper of the State; and the consequence was that at the close of the season there was not, perhaps, a State in the Union which possessed a sounder currency than the State of Michigan; and this result was produced by the simple resolution on the part of the public not to take as money that which was not equivalent to gold and silver.

"All experience, so far as he had been able to gather experience, proves as clearly as any proposition could be proved, that broken banks, or, if they pleased, not broken banks, but banks protected by law from their responsibility to pay their notes in specie, were not an advantage to a community in any degree whatever; and he did not positively know that the gentlemen who advocate the bill intend to argue the contrary. Perhaps they would rest their argument upon another ground, that these facilities should be granted to the banks because the evils of a depreciated currency already exist in the adjoining States, and would come upon us here inevitably whether we take this step or not.

"He would now proceed to examine the subject of deposits. They were told that it had been already arranged by the banks that their agents should be the recipients of deposits, and that Congress was only asked to put in form of law, and give their sanction to institutions which had been already decided upon and adopted by the banks, and which would be carried into practice by them whether any legislation took place upon the subject or not. Were they, then, so desirous of legislating in this very unsound way, to say the least of it, and of volunteering their sanction to that which they were told would be done whether that sanction were obtained or not? Next, as to the expediency of this inquiry. They had heard a good deal yesterday about a certain description of paper issued by the banks, and put into

circulation as the notes of the banks, which Congress, when they passed the law, never contemplated nor intended. He had not seen these certificates, but he understood that they purported to represent money actually placed in the bank, which was at all times ready for their redemption. He had understood that this newly manufactured currency had been received, and paid out by members without being aware that they were any other than *bona fide* bank-notes. It certainly showed that the imitation was a very good one, and that the project itself had been successful. The question had been raised and debated as to what law it was under which these certificates had been issued; it had been conjectured that it was under the law which required the banks to wind up their affairs. It was ascertained subsequently that this could not be the case, as they bore too recent a date. He would be glad to be informed if the banks were not in the habit of paying them out at this very day. If this were the case, there was no man but must admit that it was a palpable violation of the law. It certainly seemed to him that it would be well to obtain information upon this subject, and ascertain whether their laws, which they had passed with considerable care and with no small consumption of time, were obeyed or disregarded by those for whom they were intended. With regard to the certificates of deposit, he considered them preferable as a currency to that which the bill proposes; because, for the payment of those certificates, they were in some degree responsible. The argument, as to time, it appeared to him, was urged without much force; for they saw that the banks were doing already all that they desire to do, without the intervention of Congress. He hoped the motion to recommit the bill would prevail."

CHAPTER CVI.

A FURTHER DISTRIBUTION OF BOOKS, IN 1842, TO MEMBERS OF CONGRESS.

It has heretofore been shown how books were ordered by Congress and distributed to members. At the second session of the twenty-seventh Congress the House inserted in the appropriation bill this provision :

"For printing, lithographing, binding *and books*, $98,335.85, or so much thereof as may be found necessary, on auditing the accounts by the appropriate committee."

A question arose, on a motion by Mr. Woodbury, to limit its operation by an amendment. It was discussed on the 3d of May, 1842. Mr. WRIGHT participated in this discussion and said :

"Mr. WRIGHT remarked that it appeared, from what had fallen from the chairman of the Finance Committee [Mr. Evans], that 117 sets of books, or thereabouts, were purchased under the simple resolution passed at the last hour of the last session of the last Congress, for which an expense was incurred of some $60,000, as near as he, Mr. W., could compute the amount. This gave to each member (if the number were equal to the sets charged for), at the expense of the government, books which cost $500, rather over than under that amount. He recollected and recapitulated the circumstances attending the refusal by the Senate at past Congresses, and particularly at the last session of the last Congress, to sanction the distribution of books to members at the expense of the people. At the last Congress the proposition, after the practice had been discontinued, was renewed, and a proposition came from the House, in the civil and diplomatic bill, forcing upon the Senate books as a condition for appropriating them to that House. We refused to entertain the proposition. The bill went back, and the House adhered. We came to a com-

mittee of conference; and the result was, a compromise on the part of the Senate cheerfully to pay for the books for the House, and refusing that any portion of them should be divided to the Senate. The understanding was then distinct between the two bodies that that was to end the practice. He had not understood, in the deliberations of the last Congress, that the practice would occur again. But it seems the House covertly resumed the practice, and incurred a heavy expenditure. He believed it was the duty of the Senate to refuse to put an appropriation in this bill to cover it, and make the legislation upon the subject distinct and independent, and as an independent law; and let the people see that this large amount called for was to give to members of the other branch of Congress books, to each, costing $500. He was willing to let the House take the books themselves, and the responsibility attending the act; but he was unwilling to have the necessity forced on the Senate of making provision to pay for them, and thus share the responsibility of the act. He, therefore, made the motion to strike out the appropriation, with the view of having it provided for in an independent act.

"Mr. Woodbury now submitted his proviso, as follows:

"'*Provided*, That no part of this or any other appropriation be paid for the purchase, hereafter, of books to be distributed among members of Congress, without the previous sanction of an express law for the purpose.'

"Mr. Benton wished to know what books were distributed to members of Congress.

"Mr. Evans stated that the books consisted of the Register of Debates, State Papers, and Elliot's Diplomatic Code, and Elliot's Debates on the Formation of the Constitution, and the Land Laws, and the Register of Contested Elections.

"Mr. Wright read the resolution offered by Mr. Mitchell, in the House of Representatives, 3d March, 1841, as follows:

"'*Resolved*, That the Clerk be authorized to procure from the respective publishers, and furnish such members of the House of Representatives as have not received them under former orders, the following books, and pay for the same out of the contingent fund of the House, being such, in part, as have been supplied to members of the last and preceding Congresses, viz.: the Congressional documents compiled by order of Congress, entitled State Papers, the Register of Debates, Elliot's Debates, Contested Elections,

and the Land Laws and opinions compiled by order of the Senate; but nothing herein contained shall be construed to authorize the reprinting of either of the above works.'

"Mr. Wright said he was very sorry to find himself compelled to take any part in this debate. He hoped, however, it was not necessary for him to say that he had no interest in delaying the final action on the bill; nor was it his object to do so. But, at the same time, he must say that he was not desirous that the proposition which had been just announced to the Senate by the Senator from Alabama should be adopted; it was quite as unsatisfactory to him as was the present appropriation bill; and he would assign, as briefly as possible, the reasons why it was unsatisfactory. The proposition came up as the supply of a deficiency in the contingent expenses of the House of Representatives; and he understood the chairman of the Finance Committee to say, this morning, that it was in the usual form of such appropriations. [Mr. Evans stated, that what he had said was, that it was such an appropriation as was usually made out of the contingent fund.] Mr. Wright said he believed — and he intended to convince the Senate, if he could, that he was correct in that belief — that this was the first attempt to make such an appropriation out of the contingent fund; and that, wherever such appropriations have been made, it has been done by specific grants, unconnected with the contingent expenses of either House. He, Mr. W., had taken pains to ascertain something of the history of legislation upon this subject; and he had found, in the session of 1836, while upon the appropriation bill of that year, under the ordinary appropriations for the contingencies of both Houses, this item: For furnishing such members of the House of Representatives as had not received the same under a former order of the House, copies of the Diplomatic Correspondence, American State Papers, the Register of Debates, Elliot's Debates, and the registration of the Land Laws; provided, that if there were any surplus books, copies of which had been distributed to other members, remaining in the library of Congress, they should be distributed, a copy to each of those members who had not received the same. He, Mr. W., should never forget the circumstance, that when the bill came to the committee, a member of that committee, and a respected member — the Senator from Missouri — said, 'Sink the bill, or strike out

this provision.' It was at the close of a short session, at the expiration of a Congress. The public services of those who were to receive the books were almost at an end. Exerting upon the Senator from Missouri what personal influence he could, he prevailed upon him to permit the committee to report the bill. It was reported, and the Senator from Missouri then opposed it, in his place; and every member of the committee present (and there were but four) signified to the Senate that if the bill were permitted to pass, this should be the end of the action of the Senate upon the subject of book appropriations. The bill did pass the Senate, and passed the House of Representatives, and became a law. The question came up once in two years. Well, the session of 1839 came on, and what then took place? The bill came down to the Senate; there was a vivid recollection in this body upon the subject of book appropriations; there was then no attempt to cover up the appropriation under the head of contingencies. [Mr. Evans desired to remind the Senator from New York that that was entirely a different work which it was proposed to pay for by that appropriation. The appropriation for that purpose could not be paid out of the contingencies of either House.] Mr. Wright would follow up the history of the book matter a little further, and he hoped the honorable chairman of the committee would listen to what he was going to say, and he would find that he, Mr. Wright, was in possession of more information relating to this subject than was contained in the document before them. He would tell them how the Senate acted upon this matter. They struck out the whole proposition, and sent the bill back amended to the House of Representatives. The House refused to concur in the amendments, and the Senate then consented to recede from so much of its amendment as consisted of an appropriation of money upon the contract, and insisted upon so much as struck out the distribution of books; and the matter was finally settled upon that ground. He would not now enter into a controversy respecting that contract. It was well known here. The money was appropriated under a contract, but they refused to give the books to members of Congress. A controversy arose on the last night of the session, and late at night, between the two Houses; and the fate of the whole civil and

diplomatic appropriation bill stood upon the issue of that controversy. The Senate took the mildest possible course, and at last requested a conference; the request was granted, the conferrees met, and the proposition agreed upon was this: that Senators should have no books, but that if the House insisted upon having the books they should have them. They did insist; they adopted the report of the conferrees, as did this body.

"Now, continued Mr. W., I come to enter upon an important inquiry. Here is a resolution which has passed the House, and my attention has been drawn to it within the last ten minutes: That the Clerk of the House be directed to furnish, to such members as had not already received the same, such books as were furnished to members of the last House. Now, sir, I have been examining the journals all this morning, and I do not find that the last House directed to be furnished to themselves any books. They may, however, have been entitled under some of our former laws for the publishing and distributing to the members of the House of Representatives, without exception, to the value of $117 each. But this was to furnish those who had not been furnished at the former session. But those were not books ordered to be distributed to the members at the last preceding session, except the Documentary History. And the appropriation for that purpose was not made by that Congress. And I ask members whether they are prepared to say, that the accounts for books furnished to members could be properly paid under this resolution? Does that contract exist? I say it does not. There is now a permanent law — or at least a joint resolution, which is equivalent to a law — for the distribution of this Documentary History. The honorable chairman has done me a favor by giving me a part of the history of the distribution of this work, and I choose to continue that history. An item of appropriation lately produced was one of between $6,000 and $7,000 to Clarke and Force. Now, where are the $1,500 which were previously appropriated under the resolution which I have before referred to? The resolution of a single House of Congress could not reach the case. The books were public property and must be distributed by law. With regard to the State papers now within the capitol, you cannot reach them by a resolution of a single House.

The resolution did not authorize the Clerk to touch a single volume of those books, but that he should go to the publishers and buy others, which he did. And this brings me to the monstrous abuse which grew out of this course of proceeding. The publishers of these works come about you with representations of their immense importance to the public, and the impracticability of procuring their publication without assistance from the public funds; and we accordingly, with great liberality, order the publication and pay for it. Well, when the publishers have furnished us 1,500 or 2,000 copies they take care to print 5,000 for themselves, at the expense of only the press-work and the paper. There were rooms in the capitol now filled with them. They undersell us, and they get their copies off. This is the abuse; and I now call on the Senator to correct that abuse. Let a committee investigate the facts, and report to us; let us clearly ascertain the folly of the course we have been pursuing; let us pay for what we are obliged to pay, and let us understand what books were properly distributed under the resolution of the Senate; and I will be the last man to repudiate the payment for those which we ought in reality to pay. But I desire to know these facts; for I deny that this item of expense has any connection with this bill at all,—it is entirely foreign to it. We might as well take from the contingent fund a sum of money to pay our board bills. I am perfectly sure that if the chairman desires to facilitate the passage of the bill, he cannot forward his views so well as by acceding at once to this amendment."

CHAPTER CVII.

THE McLEOD CASE IN THE NEW YORK COURTS.

In 1837, a revolt, aided by Americans, occurred in Canada. On the twenty-ninth of December, the American steamer Caroline, lying at Schlosser, on the American side of the Niagara, a short distance above the Falls, was destroyed by order of Col. McNab, commanding officer at Chippewa, on the British side of the river, and sent floating over the grand cataract. McLeod boasted that he was the hero of this invasion of American territory, and, being found at Lockport, was arrested for his crime, which included murder. This arrest, and his imprisonment, became a subject of discussion between the two governments. McLeod sought to be discharged on *habeas corpus*, and released from the operation of the laws of New York, mainly on the ground that his government, although it had not ordered it, had assumed the responsibility of his act. The questions eventually came before the New York Supreme Court, then consisting of the venerable and faithful Samuel Nelson, now* on the bench of the Supreme Court of the United States, with Greene C. Bronson and Esek Cowen as his associates. The court sustained the authority of New York over her soil. The opinion was prepared by Judge Cowen — was very long, and the ablest ever delivered by that profound jurist. This decision was assailed in the Senate and defended by Mr. Wright. McLeod was tried, and acquitted on the ground that he falsely boasted of what he had done, and not because New York had not jurisdiction to defend her soil whenever unlawfully invaded.

* 1872.

Mr. Berrien, chairman of the Judiciary Committee, had reported a bill empowering the Judges of the Supreme and District Courts of the United States to grant writs of *habeas corpus* when subjects of foreign States were in custody, when the accused set up foreign authority as a defense, and to release the accused, and declaring the acts of State tribunals, after such discharge, null and void. This bill, after an exciting debate, was passed by the following vote:

"*Yeas* — Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Huntington, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Preston, Simmons, Smith of Indiana, Sprague, Tallmadge, White and Woodbridge — 27.

"*Nays* — Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, King, Linn, Sevier, Smith of Connecticut, Sturgeon, Tappan, Wilcox, Woodbury, Wright and Young — 17."

It passed the House and became a law on the 29th of August, 1842. Mr. Wright, and those who acted with him, insisted that it was unconstitutional. His remarks on the bill were made on the 8th of July, 1842, and were as follows:

"Mr. Wright said he rose to perform what he considered a duty incumbent upon him, in reference to a remark which had been made by the chairman of the Judiciary Committee [Mr. Berrien], relating to the decision of the Supreme Court of the State of New York in the McLeod case. The honorable Senator had told them, with that confidence which his standing as a lawyer entitled him to use, that the decision in that case, erroneous as he declared it to be, furnished the very strongest argument in favor of this bill. He, Mr. W., did not intend, at present, to enter into an argument in support of that decision; but merely to say (as the honorable Senator had not reviewed that opinion or pointed out its errors) that two questions had been discussed by the court: one of which was, as to the propriety of receiving exculpatory testimony when a prisoner is brought upon *habeas corpus* — or, in other words, the propriety of trying one side of

a criminal charge, and pronouncing a verdict of acquittal; and the other question which they examined and decided was, whether, at the time of the occurrence of the Caroline affair, this country and Great Britain were in a state of war.

"Much as he respected the opinions of the honorable chairman of the Judiciary Committee, he was compelled to say that he considered the decision of that court as perfectly sound and correct. If a state of war did exist, why was it that hundreds of American citizens had suffered punishment — some of death, others of banishment — inflicted by British authority? If a state of war existed, the men who were captured on both sides were prisoners of war, and were protected by the law of nations. [Mr. Berrien observed that he did not originate the introduction of the McLeod case on the present occasion. But, as the Senator from Alabama had introduced it, he had felt himself called upon to refer to the points mentioned by the Senator from New York. He then reviewed the decision made by the Supreme Court of New York on the McLeod case, with a view of showing the singular misapplication and misquotation of the authorities quoted in that decision, for the purpose of supporting a line of untenable argument.] Mr. Wright briefly replied: He understood the Senator to say that, when the executive branch of the government decides whether war does or does not exist, it is a settlement of the judicial question. He asked the Senator if he understood him correctly? [Mr. Berrien replied that he did, as the general argument.] Mr. Wright asked what instance was there of the executive authority having at the time declared that there was a war? Who had ever heard that this country was at war with Great Britain at the period of this transaction? Does the Senator mean to contend that the basis of the criminal jurisdiction which shall exist between the general government and State governments shall depend upon an *ex post facto* declaration of war by the executive or Secretary of War?

"The jurisdiction proposed to be conferred by this bill is not to rest upon a state of war — for the Senate yesterday rejected that proposition by a direct party vote, on the motion to so amend the bill brought forward by the Senator from Mississippi [Mr. Walker].

"The Supreme Court of New York had pronounced a solemn opinion as to what testimony should be received on a case brought up by *habeas corpus;* and the judge of that court gave his written decision, rejecting the evidence of defense on the plea. Mr. W. explained the particulars of the case, and the grounds of argument. To state the proposition now brought forward — that the *ex post facto* declaration that a state of war did exist, to authorize the recognition of the aggressor as a person acting in a state of war — was the strongest argument he could offer against the passage of this bill. [Mr. Berrien entered into a long technical statement of legal propositions, in explanation of the difference of opinion which existed between the Senator and himself, with regard to the correctness of the opinion delivered by the Supreme Court of the State of New York; the Supreme Court of the State of New York decided that no state of war did exist. That arose out of a misconception of the authority to be received on that point. What he, Mr. B., contended for, was, that the executive, to whom belonged the duty of presiding over the foreign relations of the country, was the authority by which the judicial decision should have been guided.] Mr. Wright observed that he had not yet learned from the Senator when it was that the executive declared there was a state of war. He now understood that his position was, that England was at war with the United States, but the United States were in a state of peace with England; and, therefore, subjects of Great Britain were entitled to the exemptions of a state of war, and the citizens of the United States were not entitled to a reciprocal position."

CHAPTER CVIII.

THE THIRD TARIFF BILL.

A custom-house tariff is what few of even experienced and well-informed men thoroughly understand. Not many of those called statesmen really comprehend the mysterious workings of commerce and finance. Mr. WRIGHT had devoted his attention to both these subjects, and stood high in the estimation of the people, and especially among close observers, as a safe man where either was concerned. The tariff and financial measures carried through Congress at the extra session of 1841 did not command his approval. In 1842, the administration found the revenues insufficient to meet its expenses. The tariff had been so cut down as to yield far less than those passing it contemplated. Mr. Tyler's administration had almost reached a financial stand-still, and some of those who had contributed to his elevation seemed not to be seriously grieved at his embarrassments. Relief was only to be found in a modification of the tariff, on which his late political friends were divided. The question was presented, shall Mr. Tyler's administration be publicly embarrassed for want of funds and the country suffer the disgrace of political pauperism, or shall Senators, for once, sever party ties and avoid national bankruptcy? Three democratic Senators, Mr. WRIGHT, Mr. Buchanan and Mr. Williams, resolved to waive party and go for their country when its character as a nation was imperiled, and to vote for an increase of the tariff, and did so. Without their votes the tariff of August 30, 1842, could not have passed. The vote stood, ayes 24, nays 23. Mr. WRIGHT, on the twenty-seventh, thus assigned the reasons for his vote:

"Mr. Wright said he rose, not to make a speech, but to declare that he was about to record his vote in favor of this bill — a declaration which, it pained him to know, would carry disappointment and sorrow to the minds of many of his most respected and esteemed friends, both in and out of this hall. It had been his habit, as it had been his pleasure and pride, to act with his political friends; and he could not describe the reluctance under which he now found himself compelled to separate from them. Yet, after the most mature and anxious reflection, he had come to the conclusion that it was his duty to vote for this measure, because he assumed that this bill must pass in the form it now bears, or that no revenue law can pass at the present session. If he was correct in this assumption, then he could not avoid the conclusion he had announced; and he did not suppose there was a single member of either House of Congress who supposed for a moment that, if this bill be rejected upon this vote, any further attempt is to be made, at this session, to pass a revenue bill. The alternative presented, then, is this bill or none; and the deep and deliberate conviction of his mind was, that this bill should pass, bad and loaded with defects as he believed it to be, rather than that none should pass.

"A collateral consideration had greatly troubled him in assenting to this conclusion. His first service in Congress was as a member of the Committee on Manufactures of the House of Representatives, during the session of 1827 and 1828, when he assisted to form, and voted for, the tariff bill of 1828, which has been so extensively denominated 'the bill of abominations.' He was then wholly without experience in legislation of this class and character; but his experience from that action had taught him the truth of the adage, that 'men's evil deeds follow them.' He became very soon convinced that he had committed a great error upon that occasion, and it was possible he was about to commit another as great now. It grieved him to know and feel that many friends were within the reach of his voice, whose judgment he most highly respected, and whose good opinions were most valuable to him who would so look upon his present vote. He could not. The occasions appeared to him to be wholly dissimilar. The tariff of 1828 was avowedly passed for protection; and if considerations

of revenue had any connection with it, they were only incidental to the main object of protection. There was no complaint of want at the treasury; no alleged necessity for increased revenues; and no blemish upon the public credit, so far as his recollection served him. Not so now, but precisely the reverse in all these respects. The treasury is empty; and almost daily the public creditors are turned away from it without payment. This very Congress has increased and is daily increasing the public expenditures, and thus creating the necessity for increased revenues. And the public credit is not sinking, but sunken; so that loans, at high interest and at long time, cannot be negotiated at home or abroad, upon the declared reason that we have not revenues to meet the payment of the public liabilities.

"These changes of circumstances constituted, in his mind, the highest necessity for a revenue law, and forced upon him, under the most solemn sense of public duty, the course of action which he proposed to pursue. All he could ask of the friends who should differ from him, and believe him to be still in error, was, that they would believe him to be governed by pure motives, and, if in error, to be honestly so. He owed it to those friends, as well as to himself, to make another remark; which was, that the consequences of his action, if evil, should be visited upon himself, and upon himself alone; as no friend, here or elsewhere, had interfered to bring him to the conclusion he had pronounced. Many very dear friends, whose judgments, upon almost all occasions, he valued more highly than his own, had kindly attempted to convince him he was in error — not one to urge him to give the vote.

"After what had been said, and so well said, by the honorable Senator from Pennsylvania [Mr. Buchanan] upon the subject of distribution, and the condition of the treasury, and of the public credit, as connected with the passage of this bill, he should be required but briefly to allude to those topics, although upon them rested his action. It was known to the Senate that he had entertained deep feeling against the policy of distribution in any form or for any purpose; and it certainly was a powerful and leading inducement with him to vote for this bill, that its effect was to be to arrest, and, he hoped, to eradicate forever, that

policy. He begged to be believed in the assertion that, in speaking of distribution with the frankness and plainness which this occasion required, he did not design to utter one word which should wound the feelings of a single individual on any side of the House. He knew there were many as honestly and strongly friendly to the policy, as he was honestly and strongly opposed to it. It was his intention, upon all occasions, to award to others that credit for sincerity and purity of purpose which he now asked from them; and he certainly now felt the heavy responsibility resting upon him too sensibly to entertain unkind feelings, or to give utterance to unkind words toward any one.

"The honorable Senator from Massachusetts [Mr. Choate], in the course of his eloquent appeal in favor of this bill, had beautified and embellished the policy of distribution, as well as of protection, in a manner to which he could not, if he would, suitably reply; nor was it his object to reply to that fervid and imaginative speech.

"He must, however, entreat his friends who did not reside in sections of the country where the policy of protection is advocated, and who are to vote against this bill because it embodies that principle, to consider, for one moment, one of the declarations of that Senator in regard to distribution, as distinct as it was significant. It was, that the friends of protection were, by natural consequence, and as a matter of necessity, also friends of distribution. Could any sentiment be more plain and natural, or more clearly evincive of the expediency of rooting out, upon the first possible occasion, the very germ of this distribution policy? The passage of this bill will do that, while yet the policy itself is not settled and established. Reject this bill, and distribution continues as to the whole land revenue, notwithstanding the treasury will remain empty, our appropriations for the public service will be unanswered, the public creditors will be unpaid, and the public credit will receive a further and more fatal wound. And still the Senator tells us the friends of protection are the natural and necessary friends of distribution; that is to say, they wish to make and perpetuate a necessity for high taxes and a high tariff; and what policy can present that necessity so certainly, and make it so surely perpetual, as that of distribution?

Establish that policy, and our short experience has already proved to us that it will not confine itself to the land revenue. Already it is proposed to carry it beyond all the revenues to the credit of the country; and, by the interest and principal of a debt, to present an occasion for high taxes, which will be endless. Once settle that fearful system as a part of our established policy in the administration of the affairs of this government, and the calls for taxation, in the shape of duties upon imports, will only be limited by the wants of this government for public expenditure, added to the combined wants of the governments of all the States which now do, as hereafter may, compose this extended confederacy. Would not his friends admit that the arrest of such a policy offered some inducement to vote for a bill even as bad as that now before the Senate?

"This was a consideration addressing itself to the whole nation; as were those of an adequate supply of means to the public treasury, the prompt discharge of the public liabillties, the efficient prosecution of the public service in all its branches, and the speedy and effectual restoration of the public credit; but all these important considerations had been so plainly and fully stated, and forcibly pressed, by the honorable Senator from Pennsylvania, Mr. Buchanan, that he would not further remark upon them.

"So far as it might be proper, in reference to this bill, to turn his attention from the whole country to the State which he had the honor in part to represent here, while he had found the bill greatly unequal in its application to different interests, and very defective in almost all essential particulars, he thought he saw most cogent reasons for its passage, because such reasons seemed to him palpably to exist for the passage of some revenue bill before the adjournment of Congress. Of the three great interests of that State — agricultural, commercial and manufacturing — the last he supposed to be much the least extensive in the capital invested and the persons employed. That interest might be directly benefited by the duties imposed by the bill, though he entertained a settled conviction that, in many cases, the duties were much too high for the true benefit of the manufacturers engaged in the branches intended to be protected; that they could

not be permanent, and would be calculated to raise up artificial interests to be disappointed, and, perhaps, prostrated by future legislation. His impression was, that the duties upon iron were not very far from a fair rate for revenue duties, intended to afford incidental protection. Those upon the woolens and cottons he thought much too high and most unequal, as falling too heavily upon the coarser and cheaper fabrics of universal consumption, especially the coarser and cheaper woolens. Other duties upon less essential interests were still more unreasonably high, such as that upon glass-ware; while all these duties, as well as that upon plain and common silks, were, in his judgment, much above a wise revenue standard.

"Upon the agricultural interest this bill must operate, in the main, as a tax and a burden; and upon the very few articles of agricultural production where protection might be afforded, it is not given to an extent anything like equally in the proportion to that which is given to the manufactured article. The duties respectively imposed upon wool and woolens present a striking instance of this inequality. The coarse wool is admitted at a mere nominal duty of five per cent, while the cloth manufactured from it is to pay forty per cent.

"To the commercial interest these duties are direct burdens, and the excessive rates fixed by this bill cannot fail to disturb trade extensively, if they do not, in some instances, prove to be positive prohibitions. Still, strange as it might seem to some, and mistaken as he might be in his apprehensions, he felt bound to vote for this bill as an act of safety to the commercial interest. Grave questions have been made here, as well as elsewhere, whether we have, in fact, any revenue laws in force, and whether any duties upon imports can be lawfully demanded and collected; and legal gentlemen of the highest distinction, both in and out of Congress, have pronounced deliberate opinions against the validity of our whole collection laws. It seemed to be universally conceded that such doubts had been raised in the public mind, by these bold and confident opinions, that no payments were now made at the custom-houses, but under formal and solemn protest against the right to demand and receive the duty. Let Congress adjourn without any action, in the face of the fact that many of

its own members, and some of its own committees, have concurred in and confirmed these opinions, and what state of things must we anticipate? What temptations for speculations, and irregular and excessive importations will be held out to capitalists of our own and all other countries? No duty above twenty per cent can be demanded in any event, and with a reasonable doubt, and an opportunity for litigation as to the payment of even that; and under the confident expectation of a high tariff (perhaps as high as the one now before us) at the next session of this same Congress, to take place in about three months from this time, will not the country be flooded with goods imported as well on foreign as domestic account? Goods are unusually low and money is cheap in England and France; and the three months to be allowed will afford time to bring importations sufficient for the consumption of years. If that should take place, what consequences are to follow? The depression and suspension of our manufactories, of course; the destruction of the regular importer and merchant; the drain of our specie to pay the foreign debt contracted for the goods; another universal bank suspension; and then all the derangements of business, depression of prices, of products and labor, and all the other evils attendant upon such irregularities. Were these apprehensions imaginary? He had not been able to convince himself they were; and if they were not, we might look for a state of things to which anything we have yet experienced will be but as the beginning of trouble.

"Defective as he had admitted this bill to be, he had used his utmost efforts, with his other friends, to improve it. The Senate had amended it extensively, and improved it much from the shape given to it by the House; and yet many and most important amendments had been rejected by the deliberate votes of the body. He had voted for various propositions as substitutes for the whole bill; which, though not such as he would have preferred, were less objectionable to him than this bill in its present shape. And he should cheerfully have given his vote for the substitute offered by the honorable Senator from Virginia [Mr. Rives] if it had not proposed a duty upon tea and coffee, which the Senate refused to strike from it.

"Much had been said, in the course of the debate, as to the

rules by which different gentlemen would govern this legislation. He knew of but one practicable rule, and that could be stated in very few words. He would keep the expenses of the government at the lowest point consistent with an efficient administration of the public affairs; would apply toward the payment of these expenses all the revenue derivable from the public lands and incidental sources; and would raise the balance which should be required by duties upon imports. In raising this we had ever been compelled, and must ever be compelled, to submit to such distribution of the duties upon the various articles of import as the majority of the Congress passing the law shall think most wise and just. It would usually happen that the same majority which should distribute the duties would pass the law; but this was not that case, because certain gentlemen believed it to be their duty to vote against this bill — not for anything which it does contain, but because it does not contain all they wish — and yet their votes have contributed to make that majority by which the rates of duty have been settled. That which the bill did not contain, and which constituted their objection against it, made it more acceptable to him, — indeed, alone made it possible for him to vote for it.

"At the extra session of the last summer a revenue bill and a loan bill were presented; and, during the present session, two previous revenue bills and a loan bill had been brought forward, against all of which he had been compelled to record his vote, because they were connected with provisions for distribution, or bore such intimate relations to that policy that he could not, as a matter of principle, give his vote in their favor. Now, for the first time, a measure is presented which not only does not aid distribution, but positively puts an end to it; and, for the reasons he had suggested and briefly assigned, he felt bound to give it his vote, objectionable as it was in its details.

"Another reason had operated upon his mind, which he had omitted to assign in a more appropriate place. His State was one of the heavily-indebted States. Her Legislature and her people were now making a bold, manly and vigorous struggle — and he earnestly hoped it would be a successful one — to retrieve her impaired credit, and sustain it upon its former high elevation.

One of the greatest obstacles to be encountered is the universal want of confidence in the public and private credit of our country; and no one step can do so much toward the restoration of that confidence as a measure which shall restore it to the credit of the nation. This bill, he hoped, would have that tendency; because it would show a disposition and determination on the part of Congress to supply our exhausted treasury, and to continue its ability to meet the public liabilities; whereas, an adjournment of Congress, without any legislation for that purpose, could not fail to have a most fatal influence in the contrary direction. In this aspect of the case, it seemed to him that his State, as a State, must be deeply interested in the passage, at the present session, of some competent revenue measure; and he would again repeat that, as one of her representatives here, the only choice presented to him was between this measure and none at all.

"A friend had kindly suggested to him that he should have voted to limit the operation of this bill as to time, if he had intended to vote for it. He had given his vote against a proposition to limit it to two years — very likely mistakenly. His reasons, however, for that vote were, the apprehension that, at the expiration of the period, Congress would again find itself in the precise condition it is in at present; and that others might find themselves forced, as he now was, to act under coercion, and choose between the disagreeable alternatives of a very bad bill, and no revenue and no collection laws. This was one of his objections to the compromise act, made at the time of its passage, though he gave that law his vote. He then foresaw that the expiration of its term would be likely to fall upon Congress unprepared, and that hasty and dangerous action would probably be the consequence.

"He had only to repeat, that he felt most deeply the responsibility of the vote he was about to give; but, as his conclusion had been formed after all the reflection he was capable of bestowing upon the subject, he must meet those responsibilities as he might; and upon him, and him only, should they rest."

Mr. Wright to Gov. Bouck.

"Canton, 24*th March*, 1843.

"My Dear Sir.—It was my intention, when at Albany, to have shown to you the inclosed letter from Gov. Morton, of Massachusetts, with particular reference to the last paragraph of it. It will explain the wish of the Governor in a personal matter, in which, as you will be well aware, there may be as much feeling as interest. Among the multiplicity of things I found to talk and engage myself about, while at Albany, this one wholly escaped my attention; and I regret exceedingly, because I fear that a declaration of that fact to Gov. M. would seem to him to afford evidence of an indifference to his feelings and wishes, which I certainly do not entertain.

"I therefore send his letter to you, and shall not write to him until I can hear from you. I hope it may be in your power to gratify, by giving to his son the commission he asks, and if it is, I know very well how cheerfully it will be given; while I would not, and am sure he would not, even in a case of such personal interest, ask you to do what you do not feel to be perfectly consistent with your sense of public duty, and with justice to others who may be applicants for a similar place, or who may hold a commission such as he asks.

"My acquaintance with Gov. M., beyond that of public reputation, is merely one of correspondence, as I have never had the pleasure to meet with him; and our correspondence has been very limited and always connected with business of some sort. My letter which he acknowledges was a written application to him to pardon, from the penitentiary of his State, a free colored man who went from Washington to Boston, as a servant to a person he supposed to be a gentleman, but who proved to be a blackleg, and either inducted the negro into crime, or, what I believe to be more likely, committed the crime himself and fathered it upon the negro. The wife of the black fellow has been our washer-woman at Washington for ten years past, and is one of the most worthy of her class; while her husband had always, previously to that journey, been honest, faithful and trustworthy. After a year of imprisonment, some of us who had known him well con-

cluded to petition for his pardon, which Gov. M. promptly and cheerfully granted, and it has been ungrateful in me so soon to have forgotten his wishes. If you find it in your power and consistent with your feelings to appoint Mr. Morton, Jr., will you transmit the commission direct to the Governor, and thus open an acquaintance, if not now enjoyed, with which I am sure you will be pleased? If you cannot grant the request, may I ask a note to that effect, and I will take the labor of writing the Governor.

"Pardon me for giving you this trouble, and believe me that whether you can or cannot make the appointment, the subject shall not, so far as I am concerned or can control it, give you any further trouble than to read this hasty letter and respond to it.

"In much haste, I am most

"Respectfully and truly yours,

"SILAS WRIGHT, Jr.

"Hon. William C. Bouck, Governor, &c.

"N. B. — Will you do me the favor to ask your secretary to reinclose Governor Morton's letter to me at this place?"

Report of the Court of Inquiry and Trial, in the Case of Alexander Slidell McKenzie, of the Navy.

McKenzie commanded the brig Somers, of ten guns, on her return from Africa, in 1842, when a mutinous plot was discovered. The principals in it were placed in confinement. Investigation showed that the mutinous spirit increased while that was in progress. The court, convened on this subject on shipboard, recommended the execution of three of the most prominent mutineers. This recommendation was carried into effect, at sea, on the 1st of December, 1842. When the Somers arrived in New York, a court of inquiry into the conduct of Commander McKenzie was ordered, the result of which was the full approval of it. Subsequently, at his request, he was tried, with the same result. Senator Tappan offered a

resolution calling upon the Secretary of the Navy for a copy of the proceedings of this trial. On discussion on the 12th of April, 1842, it failed to pass. Mr. Wright made the following remarks:

"Mr. Wright said he rose to say a word upon this subject with profound regret. He had deeply regretted that his honorable friend had felt it to be his duty to make the call. Mr. W. remembered most clearly the feelings excited in himself, and the feeling he witnessed in others here, by the transactions out of which this call proceeds. The officers of that ship had passed through the ordeal established by the laws of the country, for their part in those transactions; and that passage had been quiet and orderly, and, on their part, so far as he knew, patient and submissive.

"From the inquiry and the trial they had undergone, he believed one result had been arrived at, to the conviction and satisfaction of all. That result was, that those officers, whatever impressions might be entertained of the correctness of their judgments and the soundness of their conclusions, were innocent of intentional error, — that their hearts were free from offense. Upon the other side of those transactions he had not permitted his own mind to form conclusions, and he certainly should not permit his tongue to make an expression.

"Mr. McKenzie, he believed, was a citizen of his own State — a constituent of his colleague and himself — and, as such, had a right to expect their watchful attention upon a question of this character. The second officer of that vessel, and the companion and adviser of Mr. McKenzie, was also a citizen of the State, and the descendant of a family eminent in the revolutionary history of the country. Upon the other side of these transactions were also constituents of his honorable colleague and himself, and constituents as strongly demanding their regard as the officers of the ship or as any other persons whatever. Upon all these parties, it appeared to him, this call and the publication of these proceedings could have no other influence than to awaken recollections of the most painful character, and without any practical utility to the public or to individuals. He did not understand it

to be proposed that any legislative or other action should follow the call. Publication of the proceedings was the whole object, as far as he understood it. In this aspect of the call, if the whole proceedings could be laid before the whole public, if they could pass through the newspaper press and be laid before every reader, he could see that all the parties to these transactions might naturally and rationally desire the publication. This, he supposed, neither they nor the Senate could expect, as the call would produce, as such calls always had produced, a volume of 200 or 300 or 500 pages, which few would read and the newspaper press could not copy. All the public could see, therefore, would be limited extracts. Was there not ground to apprehend that such extracts would be partial and garbled? He feared so. He feared none would make them but such as had partial objects, and that the consequence of this official publication of these proceedings would be the constant, unfair and unjust annoyance of all these parties, without enlightening the public mind upon the truth of the whole case.

"These were the grounds of his regret that his honorable friend had felt compelled to urge the call, knowing and feeling, as he did, that the motives of that Senator were pure and patriotic. He must not, for a moment, be understood as casting a reflection upon him, or upon any one. He spoke under a feeling of regret, not of complaint; much less of censure.

"Still, the call was here; and having received information, to some extent, as to the feelings of Mr. McKenzie and his associates and friends in regard to it, his principal object in addressing the Senate was to say, as he felt authorized to say, that they did not desire resistance against the call. With the question of principle which the Senate might suppose to be involved in such a call, they claimed no right to interfere; but so far as they might be considered personally interested, they made no objection to the publication of all the proceedings, in any way the Senate might think proper. They did not desire that any Senator should oppose it from feelings personal to them.

"Mr. W. said he should not oppose the call. He should vote for it. He sincerely doubted its utility; but his relation to all these parties, in his judgment, forbade that he should make

opposition to the publication. He had spoken of the wishes of Mr. McKenzie and his friends, made known to him, and he was sure that all the other parties to whom he had alluded, if the opportunity had been presented, would have expressed the same wishes. He could not, then, and he should not, resist the call; because, doubting its expediency as he did, he could not consent that the suspicion should fall upon any of these parties of having prompted him to make such resistance, or upon himself of having made it under a wish to suppress the publication on their account."

CHAPTER CIX.

IMPROVING FOX AND WISCONSIN RIVERS.

The Fox and Wisconsin rivers, in the State of Wisconsin, are within a mile and a half of each other, the one running westerly into the Mississippi, near Fort Crawford, and the other easterly, through the Winnebago lake and emptying into Lake Michigan, at Green Bay. By making a canal for that short distance, it would open navigation across the whole territory. Whether this should be constructed by the territory, now State, or by the general government, became a question. Some were for making a grant of land for this purpose, to be deducted out of what the territory would be entitled to when admitted as a State. This would be virtually making the improvement by the State. The bill to make it at the cost of the federal government finally passed the Senate, against Mr. WRIGHT'S vote, by 31 to 7.

Mr. WRIGHT addressed the Senate during the debate, a brief sketch only of his remarks having been preserved.

"Mr. WRIGHT was prevented, until this morning, from paying that attention to the bill which it required; and he rose more for the purpose of making inquiries, than of advancing any decided opinion. If his information was well founded, it was provided by this bill to give alternate sections, being two miles wide, and extending on both sides from the mouth of each river to the point where the canal was to intersect. He had no knowledge himself of what distance that would be; but, from inquiries made of a gentleman well acquainted with the country, he was led to suppose that from the portage of the Wisconsin river to the canal would not be much less than 200 miles; and from the portage of the Fox river to the canal about the same distance.

"[Mr. Woodbridge said the distance was not so great; it was explicitly stated in the report furnished by the War department. Mr. Wright asked what distance it was. Mr. Woodbridge was not at that moment prepared to say. Mr. Haywood said the distance within the territory of Wisconsin was 210 miles.]

"Mr. Wright presumed that 210 miles was the distance by survey, but not by the winding of the stream, which would be the real distance for them to consider. Those sections were also granted on the borders of the different lakes in the route, except Winnebago. Those sections of two miles in width, and of the length described, are to be given on the assumption that we retain in the reserved sections the worth of both. It was, he thought, necessary to consider what work was to be done in return for these large appropriations. On inquiry, he was told a canal. He did not know the geography of the country, and could not say what length this canal was to be; but, from information received, he was led to believe that it would not extend to more, at the outside, than one mile and a half. If such was the case, he thought the proposed payment was wholly disproportionate with the work. There were certain phrases to be found in the bill which would leave a superficial observer to suppose that the improvement of the Fox and Wisconsin rivers was also provided for, as well as the cutting of this canal; but a careful examination would show that there was no obligation to improve the navigation of those rivers. He thought, therefore, that the cutting of a canal one mile and a half long was not an equivalent for an appropriation of 200 miles; and he could not tell how much more by going round the streams. To accomplish this work, it was proposed to offer the alternate sections for sale — the lots fronting the river at $2.50 per acre; those in the rear at government price; and sections reserved by government at not less than two dollars per acre; but for any of the alternate sections already sold, other lands were to be given, for which no compensation was to be received. He thought an inquiry should be made as to what sections still remained open for sale; and that a provision should be made, preventing any private sale of them from this date. If this was not done, he thought they would not be troubled with such of the alternate sections as were of any

value, when the bill became a law. If the bill retained the same form it did a few days ago, and had the amendment of the Senator from Ohio been adopted, he would have voted for it. As it stood he could not."

This bill did not finally pass both Houses; but, on the 8th of August, 1846, one was passed, and became a law, giving one-half of three sections in width, instead of one on each side of the Fox river, the lands to become the property of Wisconsin, when admitted as a State, as she was on the 3d of March, 1847. Hence, this improvement was eventually made at the expense of the federal government.

CHAPTER CX.

SURVEYING HARBORS AND ENGRAVING AND PRINTING MAPS.

As early as 1836, surveys by the federal government began to be made of harbors, and places where speculators desired their construction. These were usually made by the War department. The lands out of which fortunes were expected to be made were often held in shares, some of which were commonly reserved for convenient uses in securing favorable reports and acceptable legislation. Places not named in recent gazetteers, nor in the table of post-offices, were selected as city sites, and Congress called upon for appropriations to make harbors and erect breakwaters and build light-houses. Mr. WRIGHT was opposed to all such enterprises at the expense of the treasury. He resisted the printing of such reports and maps by the government. When the cases of St. Louis and Louisville came before the Senate, he moved, on April 5th, 1844, to send them to the Printing Committee, and made the following suggestions, which are far more brief than those actually made. They serve to show his opinions on this expensive and corrupting subject.

"Mr. WRIGHT said it was very well known that enormous expense had been incurred, with very little benefit, by the engraving and printing of maps heretofore. He would therefore suggest the propriety of referring the matter to the Committee on Printing. From facts recently divulged, it was certain that this branch of printing was the most expensive, and it was that in which Congress was most imposed upon. The Senate should be informed by the Committee on Printing whether there was any actual necessity for printing these maps.

"Mr. White rose for the purpose of saying that he might have been too hasty in supposing the ordinary reader would understand the reports without the maps. But, on reconsideration, he was inclined to think the printing of the maps would be necessary. It was one of the most elaborate and scientific reports ever made on the subject of the improvement of the Ohio river; and therefore it ought to be placed on record and made accessible as a record for general reference and in the most complete form. It ought to be in the hands of those who trade and traffic on the Ohio river. He asked if it required the vote of a majority to refer the matter to the Committee on Printing.

"The Chair said it would, undoubtedly.

"Mr. White hoped, if it was so referred, it would be reported upon favorably. Even if the cost of printing the maps would amount to two or three thousand dollars, it would be well worth the money.

"Mr. King pointed out that the original maps were upon record in the proper department of the government; and if the Senate or committee want to examine them, they can be got for that purpose. This thing of engraving had cost enormous sums. It was of late years the abuse had grown up. Every report accompanied by a map or diagram gave occasion for propagating the evil. It was time to put a stop to it. He hoped the Senate would refer the matter to the proper committee, that the necessity and expense might be ascertained.

"Mr. Wright asked how many maps?

"Mr. Semple said seven or eight.

"Mr Wright asked how many in relation to the Louisville harbor?

"Mr. Morehead explained that there were four maps — one, the largest, to illustrate merely the plan recommended.

"Mr. Wright supposed there could be no necessity for haste in the matter. It was now apparent the expense of engraving and printing the maps would be at least $3,000. There seemed to be some diversity of opinion as to the number of the maps. He trusted the matter would be let go to the Committee on Printing, that the Senate might have specific information as to the number of maps, and the cost of engraving and printing them.

"Mr. Morehead would not longer object to sending the matter to the Committee on Printing; but he hoped, in future, the rule would be applied equally ; and that, in relation to other improvements, the same reference would be made.

"Mr. White stated he had just ascertained that, although there were many maps (twenty small ones, he believed), the committee might designate the number and particular maps necessary to be printed.

"Mr. Semple called for a division on the subject.

"The report in relation to the St. Louis harbor was then referred to the Committee on Printing.

"The report on the harbor of Louisville was also referred to the Committee on Printing."

CHAPTER CXI.

LOW POSTAGE AND THE FRANKING PRIVILEGE.

At the first session of the twenty-eighth Congress, Mr. WRIGHT often, and in various ways, called the attention of the Senate to the necessity of reducing the rates of postage and abolishing the franking privilege, which he deemed a great and pernicious abuse. He was especially earnest that the right to frank should be taken from all members of Congress, and from all government officers, except on official business. No definite action was taken on either subject while he continued in the Senate. At the next session, on its last day — March 3, 1845 — an act was passed to "reduce the rates of postage, to limit the use and correct the abuse of the franking privilege." By this the rates of postage were reduced to five cents for less than 300 miles, and ten cents for greater distances, and the franking privilege abrogated, and requiring those formerly enjoying it to keep accounts of their official postage, and directing its payment from the treasury. This provision was repealed, indirectly, in 1847, and postage stamps provided. Subsequently the postage on all letters not weighing over half an ounce for all distances was reduced to three cents. This rate and the franking privilege are — in 1872 — still retained, the latter being abused as badly as ever; Congress, on divers occasions, refusing to abolish it.*

Mr. WRIGHT expressed his views upon the franking privilege on several occasions, but not in a formal speech. He insisted that members of Congress, upon principle, could not claim privileges not enjoyed by their constitu-

* Since abolished.

ents. That, by the use and abuse of the franking privilege, the expenses of mail transportation and delivery were greatly increased. That it was a political engine, giving those enjoying it undue advantages over their competitors at elections, while it unnecessarily increased the number of useless communications addressed to Senators and members, which it became a duty to answer.

CHAPTER CXII.

REDUCTION OF THE TARIFF TO TWENTY PER CENT DUTIES.

The tariff of 1842 was not satisfactory to the whole south. The rate of duties was deemed by many as too high. Mr. McDuffie, of South Carolina, introduced in the Senate a bill proposing to reduce all duties under the then tariff law, which are above the rate of twenty per cent, to that rate, by gradual reductions. That bill was referred to the Committee on Finance, and the committee reported the bill back to the Senate, without amendment, with a resolution recommending its indefinite postponement, upon the ground that the Constitution requires that all such bills shall originate in the House of Representatives.

The question being, upon this resolution, reported by the Committee on Finance, Mr. Bagby, of Alabama, was entitled to the floor, and he yielded it to Mr. WRIGHT, who thus addressed the Senate on the 19th of April, 1844, being the last speech of any considerable length ever delivered by him in the United States Senate:

"Mr. WRIGHT said his honorable friend from Alabama was entitled to his thanks for thus generously yielding to him the privilege to address the Senate at this time, and he sincerely tendered them to him.

"The question in form was the bill introduced by the honorable Senator from South Carolina [Mr. McDuffie], and the resolution of the committee proposing its indefinite postponement; but the question in fact, and to which the discussion had been principally directed, was the modification, in any form, and to any extent, of the present tariff law. The latter was the question it was his exclusive object and purpose to discuss.

"In reference to the bill referred to, and the resolution of the committee proposing a final disposition of it, he would merely remark, that the difficulties which had been suggested against originating such bills in the Senate, under the provision of the Constitution that 'all bills for raising revenue shall originate in the House of Representatives,' had not been obviated in his mind, and he could not vote for the bill of the honorable Senator in the shape in which he had presented it.

"The question whether any, and what, modifications ought to be made to the present tariff law was one of great importance, of which he was not insensible. He believed he felt, as deeply as he was capable of feeling, its magnitude and delicacy. He had not forgotten that it was a question affecting all the great interests of the country, and, to a greater or less extent, the private interests of almost every citizen. He was not insensible that it intermixed itself with the political feelings, as well as interests, of parties and individuals; and that, at a time like the present, pending a heated political canvass, it could not be kept separated from the prejudices and passions which such a canvass was too liable to excite. Still, he felt it to be his duty to discuss the question fairly and candidly and fully, and that duty he intended to discharge. He should endeavor to regard all the interests and all the feelings to be affected by the discussion; and to express his opinions without reserve, upon all the points he should raise. That he should avoid errors, he dared not to hope; but that he should be able to express himself in a manner not to give just offense to any individual, or to any interest, and much less to any member of the Senate, he did earnestly hope.

"The manner of the passage of the present tariff law, and the circumstances which attended its passage through both Houses of Congress, and especially through the Senate, gave the fullest assurance to the country that some, at least, who voted for it, did not expect it would produce content and quiet in the public mind, or that it could be permanent. He was one of those who entertained these anticipations in regard to that law, at the time of its passage, and he gave expression to them upon that occasion. After he found his efforts, and those of all others, to remedy its manifest defects, must be ineffectual, and that the law must pass

as it was, or not at all, his conclusion to vote for it was one of the most reluctant he had ever formed as to the discharge of a public duty; and he could not consent to give that vote, without placing upon record the reasons for it, and an assurance of his future readiness, whenever the opportunity should present, to correct the errors which he felt convinced were prevalent in the provisions of the act. That assurance was distinctly given in the remarks to which he referred. It had never been forgotten by him, nor had he been permitted to forget it; for his friends, and especially the honorable Senator from New Hampshire [Mr. Woodbury], had been careful to remind him of it in the course of this debate, for which he thanked them.

"Among the reasons then given for his vote, he begged to bring the recollection of the Senate to that of a suspension of the distribution of the proceeds of the public lands. That reason alone was most powerful with him, and most especially so as connected with the legislation of Congress of this character. He considered that a measure directly calculated, if not intended, to produce the necessity for high duties; and its continuance, even for a few years, appeared to him strongly to threaten and make that necessity perpetual, by making the repeal or suspension of that law impossible. He should, therefore, have voted for an otherwise very bad law, to accomplish that great good. His other reasons were connected with the then state of the treasury, the condition of the public credit, and our rapidly accumulating national debt; and he would content himself with a simple reference to them, as then given.

"In proceeding with this discussion, he was not at liberty to forget the character and extent of the various interests it was his duty to represent, in legislating upon this subject. The mechanical and manufacturing interests of the State of New York are second to those in few of the States of the Union. They exist to a large extent, and in almost all their varieties, in that State, and are rapidly increasing and very important interests.

"The commercial interest of the State is very far greater than the same interest in any other of the States, and the enterprise and energy engaged in it are certainly second to none. Its health and prosperity are highly essential to the well-being of all the

other great interests of the State and country, and they should not fail to command the careful attention of every Representative from the State in Congress.

"The agricultural interest of the State is the basis of all the others, and is paramount to all in extent and importance. Represent what else he may, every Representative from the State, out of her principal city, represents an agricultural interest greater than any and all others, and of which not one of them can, or will, be unmindful. The agricultural interest of New York is a less exclusive interest than in some of the other States; but it is second in extent of capital, and in importance, to the same interest in few, if any, of the States.

"The great interest of labor, as an independent interest, distinct and separate from capital, exists as much more extensively in this State than any other, as the population of the State exceeds that of any other. This interest exists in all the others, pervades them all equally, and is equally indispensable to them all. So far, therefore, as it is to be affected by this legislation, it is paramount to them all, and presents an equal claim to the watchful care of every Representative, come from what State, or from what part of any State, he may.

"Such was a brief view of the great interests addressing themselves to him, when called upon to act upon the subject of the tariff. Such were the interests to which he acknowledged direct responsibility for his action here; and to assume that he did or could feel hostility toward any one of them, would be to assume that he did and could entertain most unnatural feelings, without the slightest possible foundation for them. In proportion to the existence of these great interests in the State, he was, so far as he knew, equally indebted to all. His personal relations toward all had ever been equally amicable; his personal interests were intimately connected with the prosperity and success of all; and if his personal feelings were partial to any one, to the prejudice of any other of them, he was entirely unconscious of the fact. So far as he knew himself, he was equally disposed to do justice to every one of these interests; and if the opinions he should express, and the policy he should recommend, should prove him mistaken in fact, he certainly was not in the intention. There

might be points of conflict between these great interests, touching our legislation of this character; but he laid it down as a rule which could not be mistaken, that the law, affecting all, which was best for all collectively, was the best and wisest law for each interest separately considered; for it was impossible that either could derive permanent benefit from that measure which should inflict permanent injury upon any other. Intending to preserve the strictest observance of this rule, he would proceed to the discussion.

"And he would premise that it is the settled and determined policy of the government and people of this country to raise, by duties upon imports, so much revenue as the public treasury shall require, and the wants of the government, economically administered, shall demand, beyond the permanent receipts from the public lands. This, he believed, was a position assented to by all, practically speaking. There might be individuals who believed it would be more equal and more economical to raise this revenue by direct taxation upon the property of the country, as a theoretical proposition; but he did not suppose that a single individual in the whole country contemplated a change from this indirect, to a system of direct taxation, to raise the revenues necessary for the support of this government in a time of peace. He certainly contemplated no such change; and he should consider any proposition to effect it unwise, inexpedient and wholly inadmissible.

"Assuming, therefore, that this portion of our necessary revenues was to be raised by imposts, as a permanent and settled system, he would first lay down the rules by which he thought these imposts should be graduated, and by which he considered the right and the claim to protection, on the part of any interest, to be limited, before he examined the present tariff law with reference to modifications.

"First, then, every duty upon a protected article is necessarily protective to some extent. It serves to give an advantage to the producer of the article in this country over the foreign producer, in the markets of this country; because the foreign article must pay the duty, and the domestic article does not. In this respect, it is immaterial whether the producer of the article in

the foreign country, or the consumer of it in this, pay the duty. If the former pay it, he sells his article at a less profit, or at a loss, in consequence; while, if the domestic consumer pay the duty, it is because it adds to the market value of the article in this country; and in either case, the domestic producer reaps the advantage.

"Second. Every duty is necessarily prohibitory to some extent. Any branch of trade wholly free from taxation will necessarily be entered into more readily, and carried on more extensively, than when taxed; though light duties will exert a much less proportionate prohibitory influence than heavy ones. The capital required will be increased in about the proportion of the duties assessed, because the importer must pay the duties before he can offer his goods in the market; and when the duties are made heavy, the hazards of the trade are greatly increased, from the increased outlay of capital, and the increased risk of finding consumers at greatly enhanced prices. Hence the greater proportionate prohibitory action of high duties.

"Third. Every duty is a revenue, as contradistinguished from a protective duty, so long as its revenues are paramount to its prohibitory powers. That rate of duty upon any given article of import, which will yield the largest amount of revenue, is the highest revenue duty which that article will bear, and affords the highest protection which can be given to the article, when of domestic production, consistently with the object of raising revenue. Any less rate of duty upon the same article is, of course, within the revenue range, and is a revenue duty, though not the highest which may be imposed to raise revenue. Up to that highest rate, the only way to increase the amount of revenue to be derived from the importation of the article is to increase the rate of the duty. Within this range, the protection afforded is incidental to the revenue power of the duty; and if the revenue be required, the protection is a necessary and unavoidable incident, and cannot afford just ground of complaint to any interest. This he considered the true limit of the right and claim to protection.

"Fourth. Every duty is a protective, as contradistinguished from a revenue duty, when its prohibitory become paramount to

its revenue powers. Raise the duty upon the given article above the highest revenue rate assumed under the last head, and the importations of the article will be either wholly prohibited, or so greatly diminished that the amount of revenue derived will be less, though the rate of duty paid is greater. If the prohibition be perfect, there will be no revenue. In either of these cases, the protection to the domestic article is greater than before supposed; but it is obtained at the sacrifice of revenue, not as incidental to it. The prohibitory have become paramount to the revenue powers of the duty. The positions are reversed; and the revenue derived, if any, has become a mere incident to the protection afforded. This is making protection the principal, and revenue the incident. It is exercising the power which the Constitution has given to Congress, 'to lay and collect taxes, duties, imposts and excises,' not to put money in the public treasury, but to prohibit imports, and diminish the revenue for the sake of the protection afforded. He was compelled to consider it a very questionable exercise, both in principle and expediency, of these taxing powers.

"It followed, from these positions, that free trade is the absence of duties, and prohibition the destruction of revenue, either of which would equally destroy our system of revenue from imposts, and force a resort to direct taxation; that a fairly arranged system of revenue duties was the medium between these extremes; and that such a system would necessarily extend to our domestic interests an amount of incidental protection equal to the whole amount of the revenue required from this source, and still leave a healthful and stable foreign trade.

"He hoped he should be understood, and that he had been able to express the opinions he entertained upon these points. If so, it would be seen that the articles upon which the requisite amount of revenue should be assessed and collected, and the rates of duty to be imposed upon each, within the revenue range, were, in his opinion, entirely within the discretion of the Legislature, as a question of principle. Congress had always allowed the importation of some articles free of duty, and its right to do so had never been questioned. Could there be any more question of its right to impose one rate of duty upon one article, and a

different rate upon another, keeping within the revenue limit in all cases? He thought not. The imposition of duties to prohibit trade, and defeat revenue, appeared to him to be the ground of complaint and question; not the imposition of duties to raise and collect revenue, although more heavy upon one article than another.

"The power to discriminate, then, as to the articles to be taxed, and as to the rate of tax to be imposed upon each, within the range of revenue duties, he considered perfect and unquestionable; and whether it should be exercised to favor necessaries at the expense of luxuries, the poor at the expense of the rich, to extend incidental protection to a domestic interest against the too strong competition of a foreign competing interest, or for any similar object, appeared to him to be questions purely of legislative discretion, and not at all of constitutional power. He thought this point had been obscured by confounding the limit of the power with the object of its exercise. He did not admit the rightful exercise of the power, beyond the revenue limit, for any object; and within that limit, he admitted it for all objects within the reach of legislative discretion. In this way the argument was disembarrassed from all the difficulties which had been thrown out, about recommending discrimination for one object and denying the power to exert it for another. It was a power which, thus limited, might be greatly abused. It might be exercised against necessaries to favor luxuries; against the poor to favor the rich; against the protection of domestic interests to favor foreign producers, or in any other perverted manner; but such liability to abuse did not disprove the existence of the power.

"A single remark further would bring him to an examination of the practical operations of the present law upon the trade and business of the country. It was that, because the rule laid down recognized the highest rates of duty consistent with revenue to be the proper limit of legislative discretion in arranging and imposing duties, it did not follow that this limit was always to be reached in fixing the rates of duty. The state of the public treasury and the wants of the government for proper expenditure were to control that discretion within this limit. No more

revenue should be drawn from the pockets of the people than the economical administration of this government renders indispensable. While the revenue limit can never be exceeded to obtain revenue, because duties above that line prohibit importation so as to diminish revenue, so duties should never be imposed, within that line, for the mere sake of the incidental protection, when the money to be realized from the tax is not required for the public service.

"With these limitations kept constantly in view, he was now prepared to enter upon an examination of the present tariff law, in its practical action upon the foreign commerce of the country, as shown by the custom-house returns made to the Treasury department, and the tables of commerce and navigation for some few years past. In the statements he proposed to make, and the results he had arrived at, he had depended mainly upon the documents he had found appended to a report of the Committee of Ways and Means of the House of Representatives, made to the House on the eleventh of March last. This report had been laid upon the tables of the members of the Senate, and was, therefore, within the reach of every Senator.

"He first referred them to 'Appendix A,' which showed that the whole amount of the importations, for the year commencing on the 1st of October, 1842, and ending on the 30th September, 1843, was	$89,260,895
"That of these imports the free articles amounted to	40,470,961
"Leaving the amount of articles paying duty at	$48,789,934
"Of these dutiable goods, those re-exported, with a drawback of the duty, were	4,363,440
"Thus leaving, for the consumption of the country, and to pay duty in fact, but	$44,426,494

"The present tariff law was approved by the President on the 30th of August, 1842; so that the year above given is the first and only one in which its practical operation upon the trade of the country can be tested by the returns.

"A comparison of this year's business with the total and dutiable importations of the six previous years will give a general

view of the diminution of our trade under this law. The importations of those six years were as follows:

YEARS.	Free of duty.	Paying duty.	Total importations.
1837	$69,250,031	$71,739,186	$140,989,217
1838	60,860,005	52,857,399	113,717,404
1839	76,401,792	85,690,340	162,092,132
1840	57,196,204	49,945,315	107,141,519
1841	66,019,731	61,926,446	127,946,177
1842	30,627,486	69,534,601	100,162,087

"An examination of these figures will show that the entire importations of the single year, under the present law, are nearly $11,000,000 less than the importations of 1842, which was very much the lowest of the six years; and almost $73,000,000 below the importations of 1839, the highest of those years. The changes in the character of the importations will still more clearly exhibit the influence of this law upon the trade. Under the compromise act, the class of free articles was very large; and during the whole period of the operation of that law, about one-half of the entire importations, as an average, were free of duty. That will be remarked as to five of the six years, by a reference to the figures given below — the advantage being about $7,000,000 on the side of the free goods.

"On the 11th of September, 1841, an act was passed 'relating to duties and drawbacks,' which imposed a duty of twenty per cent upon all free articles, and all articles then paying a less duty, with certain enumerated exceptions, the principal of which are tea and coffee, raw and undressed hides and skins, coarse wool, gold and silver coins and bullion, and the list of articles used in manufacturing. This act was in force as to all the importations of 1842, except so far as those importations may have been reached by the present law; and the consequence was that the amount of free articles fell down, from more than an average of $60,000,000 to $30,000,000, and the dutiable articles rose up to $69,000,000; being more than the average for the five previous years, although the importations of the year were much less than in any one of the five, and very far below their average. In this single year the dutiable articles much more than doubled

the free. Under the present law the free and dutiable articles are very much the same as under the law of 1841, except that the coarse wool and raw and undressed hides and skins are added to the dutiable side, at the low rate of five per cent; and yet the dutiable importations, in the first year of its operation, are nearly $21,000,000 less than under the act of 1841, which was in force but one year; and the free importations have gone up again almost $10,000,000 above what they were under the last named act, and to very nearly the one-half of the entire importations of the year. This, too, has taken place after the change from the free to the dutiable side of full $3,000,000 in the articles of wool and skins. When to this astonishing change in the character of the imports, in a single year, is added the fact that, of the $40,000,000 of free imports, in 1843, about $24,000,000 consisted of gold and silver coins and bullion alone, the influence of the law upon the trade of the country cannot fail to be seen. The exchanges of commerce have been crippled to an unexampled extent, and our produce sent abroad for a market must be sold for what it will bring in coin, as the merchant dare not exchange it for merchandise, and encounter our duties.

"This is a general view of the whole imports; of the whole foreign trade of the country. It afforded the ground for a very imperfect judgment as to the effect of the law in detail. The rates of duty were very various, and upon some articles of importance they were moderate, and upon some very low. Upon other large classes of articles, again, they were very high and extensively prohibitory. A detailed examination, therefore, was necessary to present the action of the law in its true light; and to enable him to make that examination he had referred to other tables appended to the same report. 'Appendix B' was a comparative statement of dutiable imports, for the six years which had been mentioned, and for the first three quarters of the one year under the present law, exhibiting the articles as named in the present law, and the amount of importations of each article, so far as that could be ascertained from the different forms in which the import tables had been kept, under the different tariff laws. The first column showed the average importations for the three years, 1837, 1838, 1839; the second, the same

average for the three years, 1840, 1841, 1842; and the third, the actual imports for the three quarters of a year, commencing on the 1st of October, 1842, and ending on the 30th of June, 1843. 'Appendix D, No. 2,' exhibited the actual importations, for the same three quarters, of each article paying *ad valorem* duties under the present law, the amount of duties actually paid upon each article so imported, and the rate per cent of the duty fixed in the law, where there is no *minimum*, and the rate per cent to which the duty paid amounts, where there is a *minimum*. 'Appendix D, No. 3,' gave the same information, for the same period, as to all the articles imported, paying specific duties under the present law. In this table the rates per cent of the duty were calculated at the treasury, from the value of importations of each article, and the amounts actually paid in duties; and both these documents were authenticated by the official signature of the Register of the Treasury. To these three tables reference was to be had for the data upon which the following particular statements were based.

"From the 1st of October, 1842, to the 30th of June, 1843, being the first three-quarters of one year of the operation of the present tariff law, the importations of wool, costing more than seven cents per pound, were valued at $54,695; and the amount of duties paid upon that sum was $21,941.88, being at the rate of 40.11 per cent. The average value of the importations of this same description of wool, for the three years, 1837, 1838 and 1839, was $801,087; and for the three years, 1840, 1841 and 1842, $1,004,312. This is equal to an average, for the six years, of $902,699 per year; while the $54,695, for three-quarters of the year, under the present law, is only equal to the rate of $72,927 per year; showing a falling off of the importations, compared with the average of the six previous years, of more than ninety-one per cent.

"The value of the imports of cloths, cassimeres and other woolen goods paying a duty of forty per cent, for the same three-quarters of a year, was $1,472,381, upon which there was paid in duties the sum of $588,952.40. The average value of the importations of these same goods, for the six years before named, was $5,613,920 per year. The average importations for one year,

under the present law, at the rate of the three-quarters given, was $1,963,175, showing a falling off in this importation, as compared with the six years, of sixty-five per cent.

"The whole importations of the manufactures of cotton, for the same three-quarters of a year, were valued at $2,958,796. The nominal duty, in the law, upon all these goods, is thirty per cent; but the minimums, or artificial valuations, which the law fixes upon various portions of them, make the actual duties paid vary from thirty to seventy per cent, and raise the average upon the whole to more than thirty-eight per cent. Still, the tables of importation, if carefully examined, will prove beyond question that large classes of the cheaper cottons are entirely prohibited by the operation of these minimums. Thus, every yard of printed or colored cotten cloth, cost what it may, is to be valued at thirty cents per square yard, provided it costs less than than sum, and is to pay the duty of thirty per cent upon that valuation; while all know that it is most difficult, at this day, to find, in a country store, a yard of cotton calico of so high a price as thirty cents, while much is retailed for ten and twelve and fifteen cents. He would refer Senators to pages 72, 73, 74, of this report of the Committee of Ways and Means of the House, for a statement of the rates of duty upon the whole range of cotton manufactures, calculated upon the English prices, where they will find, if the importations could be made, that the duties would range from thirty to 162 per cent. The average importations of the manufactures of cotton, for the six years named, was in value $10,047,099 per year; and the average per year, under the present law, calculated from the three quarters above given, was but $3,945,061 — being sixty per cent less than the rate of importations for the six years.

"Worsted stuff goods, worsted yarns, mits, gloves and the like, were free of duty under the compromise act; and a duty of twenty per cent was imposed by the act of 1841. By the present law, that duty is raised to thirty per cent. This is a class of goods manufactured to a very limited extent in this country; and the duty, upon every principle, should be a revenue duty only. The average importations, for the six years, were valued at $4,581,587. The average per year, under the present law, calcu-

lated from the three quarters, is $608,068 — showing a falling off, in comparison with the six years, of eighty-three per cent.

"Silks were free under the compromise act, and paid a duty of twenty per cent under the act of 1841. By the present law, the duties are mostly specific, and levied upon the pound weight, but differing somewhat upon different descriptions of goods. These duties, calculated *ad valorem*, range from sixteen to sixty-five per cent; while the *ad valorem* duties imposed by the law vary from twenty to forty per cent. The actual average duties paid upon the importations of the three quarters, of silks paying specific duties, was thirty-two per cent; and of silks paying *ad valorem* duties, twenty-six per cent. The average value of the importations of all silks, for the six years, was $15,247,330 per year, and the average per year of the same importations, under the present law, calculated from the three quarters, was $3,622,347 — being seventy-six per cent less than the rate for the six years. Upon these goods, too, the specific duties have the effect to impose the highest tax upon the cheapest and most common article. A plain, firm, black silk, such as is most usually worn by those who wear silks in the country, will weigh much more than a fine, rich, figured, French silk, such as is worn by the more wealthy in the cities; the cost of the former will be about half that of the latter; and yet the pound weight of each pay the same duty, making the rate, upon the common article, from forty to fifty per cent, and upon the rich article from twenty to twenty-five per cent — just about half. Here, too, there is no manufacture to protect, and no apology for any other than the revenue duties.

"Upon carpets, the duty is also specific, being levied upon the square yard; and the rates *ad valorem*, calculated upon the actual importations, range from twenty-eight to eighty-seven per cent. Although the amount of duty varies upon various descriptions of carpeting, yet the heavy rates fall upon the common and cheap goods, and are almost entirely prohibitory of them. The whole importations, for the three quarters, were valued at but $181,810, and of this amount $150,958 was Brussels carpeting, a description much more expensive than that in most common and extensive use. Of the remaining $30,000, $17,099 was an importation of 7,372 yards of Wilton carpeting, the foreign cost being about

$2.50 per yard, and the rate of duty but twenty-eight per cent; while upon the Brussels, it was forty-two; and upon the treble ingrained, a much more common article, eighty-seven per cent. The rate of diminution in the importations of carpeting, during the one year, under the present law, compared with the six previous years, was forty-one per cent.

"Cotton bagging is another article upon which heavy specific duties are imposed, averaging about fifty-three per cent *ad valorem*. The average value of the imports, for the six years, was $379,718; and for the one year, under the present law, calculated from the actual imports of the three quarters, $141,755, being a falling off of sixty-two per cent.

"The duties upon glass-ware and window-glass are also specific; the former upon the pound weight, and the latter upon the superficial measure. The rates *ad valorem*, upon the actual importations of glass-ware, ranged from twenty-nine to 186 per cent; upon window-glass, from sixty-two to 243 per cent; and upon vials and bottles, from eleven to 165 per cent. The value of the whole importations of crown window-glass was but $310; and upon that were actually paid $688.75 of duties, being 222 per cent upon the whole. The total value of the importations of glass paying specific duties, for the three quarters of the year, was but $55,214, while the value of the imports of large glass plates, plates silvered, painted glass, etc., paying *ad valorem* duties averaging but thirty-two per cent, were $61,591. The falling off in the importation of glass of all descriptions, comparing the one year with the six, was seventy-seven per cent.

"The average importations of sugar and syrup of sugar, for the six years, was $7,600,449; and for the one year, under the present law, calculated from the actual importations of the three quarters, $3,376,824 — exhibiting a falling off in the importations of this article of fifty-five per cent. The duties upon sugars, calculated *ad valorem* upon the actual importations, range from sixty-seven to 101 per cent, the highest rate being upon loaf and other refined sugars. The rate upon syrup of sugar is 161 per cent; and the provision of the law shows that it was intended to be prohibited. The importation is merely nominal — but fifty-seven dollars in value in the three quarters of a year. The rate *ad valorem* of

the duty upon molasses is fifty-one per cent; and the importations had fallen off fifty-two per cent, comparing the one year with the six. The average value of the importations, for the six years, was $3,192,683; and for the one year, under the present law, calculated from the actual imports of the three quarters, $1,513,693.

"The importations of hemp, cordage and sail duck together, for the three quarters, amounted to only $695,571, being at the rate of $927,428 per year; while the average importations, per year, of the same articles, for the six years, was $1,408,525 — showing a diminution of the imports of these articles, under the present law, at the rate of thirty-four per cent. The rates *ad valorem* of the duties upon hemp are less than thirty-two per cent, and upon duck less than twenty-two per cent. Upon some articles of cordage the rates are enormous. Of untarred cordage, the value imported, in the three quarters, was $5,798, and the duties actually paid amounted to $10,103.71, equal to the *ad valorem* rate of 174 per cent. So, of untarred yarns the value imported was $1,028, and the duties actually paid $2,046.96, equal to 199 per cent. Here the prohibition upon these manufactures rested most heavily.

"The actual importations of paper, for the three quarters, were very trifling, the whole value only amounting to $32,180, being at the rate of $42,907 for a whole year; $17,752 of this amount was paper hangings, paying an *ad valorem* duty of thirty-five per cent; and the residue, $14,428, paid specific duties, ranging from sixteen to ninety-seven per cent. The duties were specific upon almost all articles of paper, and were entirely prohibitory upon a very large proportion of them, there being no importations. The average imports of paper of all kinds, for the six years, was $150,685 — showing a falling off, as compared with the one year, under the present law, of seventy-one per cent.

"The duties upon leather under the present law are mostly specific, and upon the actual importations of the three quarters ranged from thirteen to sixty per cent; but the whole importations only amounted to $237,217, being at the rate of $316,289 per year. The average value of the importations for the six years

was $805,349; those for the one year, under the present law, being sixty per cent less than that rate. Here, again, the duties are, in most cases, entirely prohibitory.

"Raw and undressed hides and skins were free of duty previous to the passage of the present law. The average importations for the six years were $3,130,435 per year, and for the one year under the present law, which imposes a duty of five per cent, $3,104,095 — being a falling off of less than one per cent, as compared with the six years. This may serve to illustrate the trifling prohibitory power of so low a duty.

"He would only weary the patience of the Senate by the examination of a single other article — iron; but its various descriptions, and the great variety of its manufactures, would make that examination somewhat tedious.

"The rate of duty actually paid upon the importations, for the three-quarters, of bar-iron, manufactured by rolling, was seventy-seven per cent; and the value of the importations was $511,282; being at the rate of $681,709 per year. Upon hammered bar-iron the rate of duty was thirty-two per cent, and the value of the imports was $327,550; being at the rate of $436,733 per year. Iron in pigs paid duty at the rate of seventy-two per cent, and the importations were valued at $48,251; being at the rate per year of $64,335. The average value per year, for the six years, of the importations of the rolled bar-iron, was $2,252,174; of the hammered bar-iron, $1,597,249; and of the pig-iron, $276,743; thus exhibiting a diminution of the trade, upon a comparison of the six years with the one, of sixty-nine per cent in the first, seventy-two per cent in the second, and seventy-six per cent in the third article.

"Of the various manufactures of iron paying specific duties, which, calculated *ad valorem*, ranged from eleven to 137 per cent, the value of the whole imports for the three quarters was $282,038; equal to a rate per year of $376,050. The importations of the various manufactures of iron, paying *ad valorem* rates of duty ranging from twenty to thirty per cent, were valued at $773,479; both classes of these imports amounting to $1,055,517; being a rate per year of $1,407,356. The average importations per year, for the six years, of all these manufactures of iron, was

$1,498,830 — showing a diminution of the trade in these articles of but six per cent.

"He was well aware that these comparisons did not form a perfect standard by which to judge of the influence of this law upon the foreign trade of the country. The imports of the fourth quarter of the last year may have been larger, in proportion, than were those of the three first quarters, upon which his calculations had been based; and to that extent, the results would vary from the fact. He believed the importations of the last quarter of that year were beyond the average; but he had them not, specifying the values of imports of each article, so that he could use the information. Then, the period he had taken for the comparison had been one of great unsteadiness in trade, as the aggregate importations for the several years had clearly shown. The first of these years, 1837, was that in the early part of which the great crash came upon the bloated credit system of the country, when all the banks suspended specie payment, and general disorder prevailed throughout all branches of business. Regularity and steadiness were not yet perfectly restored, since those extreme revulsions, and it was far beyond his power to tell what influence predominated over the trade of the country, for any single one of those years.

"Still, he thought these results might be safely relied upon, as approximations toward accuracy, and as establishing, beyond the power of question, the prohibitory character of this law. As an additional mode, however, of testing the same point, he had made a tabular comparison between the importations of 1842 and of 1843, taking the averages before used, calculated from the three first quarters, as the true importations of the latter year. He had preferred to make this comparison, because he was not aware of any other visible cause, than the legislation of Congress, materially to affect our trade in the latter year, which did not exist to the same degree, and in equal force, in the former. Both were years of serious depression in business and stagnation of trade; but he was not aware that, independent of the influence of legislation, the latter was more so than the former. At the commencement of the first year, the duties upon all the articles he had examined, except raw and undressed hides and skins, were twenty per cent

ad valorem, by the provisions of the act of 1841; or near to, and approaching that point, under the operations of the compromise act; and at the commencement of the second, the present law took effect practically. His table included the articles he had examined above, and no others, and was as follows:

NAME OF ARTICLES.	Importations of 1842.	Importations of 1843.	Diminution.	Rate per cent.
Wool, costing more than seven cents per lb	$95,655	$72,927	$22,728	23
Cloths, etc., paying forty per cent duty	4,517,864	1,963,175	2,554,689	56
All cotton manufactures	9,578,515	3,945,061	5,633,454	58
Worsteds	2,957,977	770,779	2,187,198	73
Silks	9,480,331	3,622,347	5,857,984	61
Carpetings	292,309	242,413	49,896	17
Cotton bagging	421,824	141,755	280,069	66
Glass	558,509	155,740	402,769	72
Sugars	6,503,563	3,376,824	3,126,739	48
Molasses	1,942,575	1,513,093	429,482	22
Hemp, cordage and sail duck	949,808	927,428	22,380	2
Paper	48,067	42,907	5,160	10
Leather	912,585	316,289	596,296	65
Raw and undressed hides and skins	4,067,816	3,104,095	953,721	23
Iron—Bars, etc., rolled	2,053,453	681,709	1,371,744	66
Bars not rolled	1,041,410	436,733	604,677	58
In pigs	295,284	64,335	230,913	78
All other manuf'tures of	3,552,642	1,407,356	2,145,286	60

"Here was the comparison, at one view, between the importations for 1842 and 1843, of the articles named, and the names of the articles; and the sums would show that they constituted a heavy proportion of all the dutiable imports, and the heaviest of what are denominated the protected articles. He had incorporated with these articles worsteds, silks, and raw and undressed hides and skins, for a double purpose; the first two to show the prohibitory action of the bill upon articles not of the protected class, and the last to show how much better the importations kept up when the duty was very light, and still what an effect was produced upon cheap heavy articles by a very light duty. These articles, compared with some of the others, would also show how much more severely heavy duties affected the trade in some articles than in others. Take the worsteds. The duty under the act of 1841 was twenty per cent, and the present law

has raised it to thirty per cent. The trade has fallen off, in the single year, seventy-three per cent. Take the silks. They were at twenty per cent under the act of 1841, and range from sixteen to sixty-five per cent; but average, upon the actual importations of the three quarters of 1843, only thirty-two per cent. Yet the trade has fallen off sixty-one per cent. The duties upon woolens, cottons, iron, sugar and other of the protected articles, are much higher — some of them more than double these rates — and yet the trade has fallen off less.

"Still, the rate of diminution of the trade, upon the most of the articles named, whether the comparison with the one or the six years be taken, was most marked and severe, and could not fail to be alarming to the commercial interest.

"These comparisons showed the futility, as a standard of judgment, in reference to the influence of any tariff law, of general averages of the duties upon all the dutiable imports, and much more of such an average upon all the imports, free and dutiable. Such comparisons are made to assume the more favorable appearance, the more prohibitory shall be the operation of the law under which they are made. Duties so high as to be entirely prohibitory are not comprehended at all in such calculations. To illustrate, by a strong example: Suppose every duty imposed was raised to a rate of perfect prohibition, so that no dutiable article could be imported, and that all our foreign imports were free of duty; then such a comparison would show that our commerce was not taxed at all by duties, and yet the richest part of it would be destroyed by a prohibitory tariff. So take, of the articles above named, paper and undressed hides, and make an average of them, and it will show a very low rate of tax upon the combined importations, because the hides pay but five per cent duty and the import amounts to millions, while paper is almost wholly prohibited, the whole imports being less than $50,000 per year; and this, although paying duties varying from sixteen to ninety-seven per cent, consists of the articles of paper paying the lightest rates, and which can, therefore, come in.

"Take the actual importations of the three first quarters of 1843, further to illustrate the fallacy of this standard of averages. 'Appendix D, No. 2,' before referred to, is a table of these

imports, paying *ad valorem* duties under the present law. At the foot, the amount of imports will be found to be $16,684,875, the amount of duties paid, $4,153,686.13, equal to the average rate of 24.89 per cent; not a very high rate of duty for many articles. The rates of these duties, fixed by the law upon the articles named in this table, will be found to range from one to fifty per cent, these rates being the extremes of the *ad valorem* duties imposed by the law. Yet the articles before examined, which pay *ad valorem* duties, hides and skins excepted, comprise $2,277,368 less than half this amount of importations, and pay $113,850.51 more than half of the whole amount of these duties, averaging the rate of 36.11 per cent. This shows that an average of the *ad valorem* duties, by themselves, furnishes no standard by which to judge of the weight of the tax upon a large portion of the imports embraced in the calculation.

"Take, then, 'Appendix D, No. 3,' which is a table of the actual importations, paying specific duties; and the amount of importations of this character will be found to be $12,494,340, the duties actually paid upon them $6,300,449.12, and the rate, calculated *ad valorem*, to equal 51.15 per cent upon the whole. Here is an entire class of importations of more than $12,000,000, paying duties to more than one-half their entire value in our markets, at the time the duty is imposed. Yet, average all these dutiable imports together, those which pay *ad valorem*, and those which pay specific duties, and what will be the result? The entire amount is $29,179,215, and the entire amount of duties paid is $10,544,138.25, being only equal to 36.15 per cent, almost exactly the average before given for almost one-half of the *ad valorem* importations. This is an exhibition of the average argument upon dutiable importations.

"A single example of its application to the whole importations, free as well as dutiable, and he would leave this topic. The dutiable importations of the three quarters, as just stated above, amounted to $29,179,215. The free importations, for the same period, amounted to $35,574,584, as see 'Appendix D, No. 1.' These sums, together, make the whole importations of the three quarters amount to $64,753,799; and the whole amount of duties paid upon these importations was $10,544,135.25; only

equal to the rate, *ad valorem*, of 16.28 per cent. Here, then, would the gentlemen say, who rely upon these averages as a standard of judgment — here is all the tax upon our trade, sixteen per cent; and can any reasonable man complain of that? And yet it is shown, upon the face of the very papers from which the average calculation is drawn, that one entire class of importations pays duties to more than half their value; that the whole dutiable importations pay an average rate of more than thirty-six per cent; and that the trade, in large and important classes of articles, has fallen off fifty, sixty, seventy, and more, per cent in the first year's operation of the law; thus exhibiting a prohibitory power much more startling than the high rates of duties paid.

"These comparisons must show, to the satisfaction of every mind, that general averages are most deceptive guides, and that averages of the rate of duty, even upon any two articles of import, much more upon selected classes, may be made to convey the most erroneous impressions; and they must have led to the conclusion, which it was his object to establish, that the only useful or truthful comparisons were those which compared the duties paid upon each important article of import with the value of the importations of that article.

"He had already alluded to his comparative examinations to show that different articles of import would bear very different rates of duty, with the same proportionate effect upon trade, and that the same rate, applied to all articles of import, would exhibit very different prohibitory effects, as between the different articles. He recalled this allusion now, for the mere purpose of deducing from it the position, that discrimination, as to the rates of duty, within the revenue principle, and revenue range of duties, as he had defined them, would be found not merely admissible, but absolutely necessary, both for the accumulation of revenue, and for the benefit of trade, even if no other considerations in favor of discrimination should be considered.

"He had also alluded to these comparative examinations to show that the specific duties of the present law, as a general remark, and any system of specific duties so arranged, as well as the principle of minimums, must make the tax unequal and

unjust; must bear the most heavily upon the most common and cheap article falling under a given duty, and therefore most heavily upon the poor and laboring classes. He was not prepared to say that, with perfect and minute information in all the manufacturing branches, a system of specific duties could not be arranged, which would be just and equal in this sense; but he was prepared to say that, with the information at present possessed by himself, and he believed by Congress as a body, or by any one of its committees, such a system could not be proposed as would avoid this radical and fatal defect. He said fatal defect; for he held that to be so, in any legislation upon this subject, which taxed labor to the relief of capital, and imposed double the rate of duty upon poverty which was exacted from wealth. That was the effect of our specific duties. Take the cotton cloths. He who can purchase and wear qualities worth more than twenty or thirty cents by the square yard, pays a duty of thirty per cent, while he who must purchase and wear such qualities as can be purchased from six to ten cents, must pay three times that duty. He could not better illustrate the practical operation of this description of tax, upon the laboring classes, than to borrow the illustration of a witness examined before a committee of the British Parliament, he believed in the year 1842. The witness said, if the coat of the man of capital was taxed too high, he had only to take a coat of an inferior quality, and procure it for the same money he had been accustomed to pay for his coat, though he would not have one quite so fine, if just as warm. Not so with the laborer. He wears the cheapest he can get, under any state of the taxation; and that coat he must have, be the tax what it may, because he cannot fall back upon an article of inferior quality, or less heavily taxed. This would not apply to our woolens, because, though taxed heavily, they were taxed equally, by a uniform *ad valorem* duty; but it did apply to the coarse cottons, and especially to the whole class of fustians, which were the peculiar clothing of the laboring classes of the cities and manufacturing districts.

"He would now proceed to examine the influence of these high and prohibitory duties upon the great branches of industry of the country; and

"First, upon manufactures. The manufacturers themselves pray for stability in our legislation upon this subject. They say that their interests are best promoted by regularity and permanency, and that the fluctuations consequent upon changing legislation are, almost, more injurious than the protection they receive is beneficial, to their employments. That is to say, they want a moderate and reasonable system, not a prohibitory one; for they cannot but know that extremes in our rates of duty, be they too high or too low, must themselves compel change. If too high, our commerce must be destroyed, and discontents thus engendered, or a surplus of revenue must be thrown into the public treasury, and a reduction of duties thus compelled; while, if too low, the necessities of that treasury will speedily force a change in an upward direction. It is the moderate, reasonable, revenue system alone which can be stable. Based upon the wants of the treasury, and wisely and justly arranged, with reference to all the great interests of the country, there is no reason why, in times of peace, such a system should not be stable; because the wants of that treasury are not subject, at such periods, to material changes. The incidental protection afforded, by such a system, to one interest, and the incidental burden thrown upon another, would form no just subject of complaint to either. The tax would be necessary for the support of the government, and all would concede the justice and wisdom of so distributing the taxation as to make it the least burdensome to all, as one entire whole. Not so when the tax is imposed for protection, and not for revenue. Then it is a burden imposed upon one interest, solely for the benefit of another; the supply of the common treasury ceasing to be the regulator of the tax. Under such a system, contentment cannot be expected, or even hoped for; and, under a government resting upon the popular will, constant changes and extreme fluctuations must and will be its fruit.

"To the manufacturing interest, then, if stability be the most important element in its protection, the revenue arrangement of duties presents the most important and desirable system. It alone presents a national, instead of a sectional, basis for the arrangement of our duties upon imports; it alone presents an object — the supply of the national treasury — equally interesting to all,

and equally controlling with all; it alone appeals to the whole public mind for approbation, and alone, therefore, can assure the promise of contentment and stability. It offers to this interest that degree of protection which the collection of revenue, for the support of the common government, will afford, and leaves the discriminations, within that limit, to the common legislature, but rejects prohibitions, destructive to itself, to favor any interest. Is this right? Is it best for all? If so, is it not the best system for the manufacturing interest itself?

"He had, in the preceding remarks, treated the duty upon imports as a tax, and he had intended, by the term, a tax upon the consumer, in this country, of the article of import upon which the duty was imposed. He had not been unaware that this raised the question, who must pay this duty? This question he did not intend to avoid, nor did he intend to discuss it. He had heard too many discussions, upon legislation of this sort, not to know that this point presented an interminable field for argument. That broad field he had not the qualifications, even if he had the disposition, to enter; and his object, therefore, was rather to make one or two inquiries, to elicit information, than to controvert any position which had been, or which might be, taken in the course of the debate.

"He would merely premise that it was claimed, in favor of the protection to the manufacturing interests of this country, which it was supposed to be the duty of Congress to extend, that the foreign producer, and not the domestic consumer, would be the real payer of our duty. That position he would assume to be the true one, and would illustrate his inquiry by taking a supposed case, based upon it.

"He would suppose, for the sake of the illustration, that our trade, for the year 1842, was perfectly free of all duties upon imports; that A. B., a merchant of the city of New York, imported, during that year, 50,000 yards of woolen cloths, which cost him, delivered at the custom-house in New York, $100,000. He sold these cloths in that market, during that year. In consequence of his low sales, the manufacturers of woolens of this country came to Congress, and prayed a duty upon woolen cloths, to protect their interests; and Congress, considering their prayer

reasonable and proper, and requiring a revenue from this importation, imposed a duty upon the importation of woolen cloths, of the year 1843, of twenty-five per cent. The same merchant goes to Liverpool, in the year 1843, and tells his English manufacturer, 'I want the same quantity of cloth which I purchased of you last year; but I cannot pay you the same price for it, because my government has imposed a duty of twenty-five per cent upon its value, which I must pay to its custom-house, before I can offer the cloth in my market. Last year, you gave me 50,000 yards for $100,000, and the operation was a fair one in my trade; but, as I must pay, this year, $25,000 in duties upon the same purchase, I cannot give you but $75,000 for the 50,000 yards.' The English manufacturer replies, 'Very well, sir, we cannot lose your market; and, if your government has taxed our cloths, as you say, we must assume the tax. We must let you have the same 50,000 yards of cloth for $75,000 this year, which we sold to you last year for $100,000.' The merchant takes the cloth, pays the $75,000, brings it to New York, pays his $25,000 of duties at the custom-house there, and offers his cloths in the same market as last year. How can he sell? The cost to him, last year, was $100,000, paid to the foreign manufacturer. The cost, this year, is $75,000 paid to the manufacturer, and $25,000 paid to our custom-house, making $100,000 in all; and can he not sell at the same prices as last year? Most certainly he can; and, in that case, what protection does the manufacturer of cloths in this country derive from the duty? Certainly none. If the foreign article can be brought here, and sold in our markets as cheap as before the duty, he derives no direct benefit from the tax. It is a diminution of the profits of the foreign manufacturer, or his loss, if you please; but the domestic manufacturer takes nothing by it, if the price of his product is not raised in our markets, or if the foreign competing product is not excluded. And in the supposed case, where the foreign producer pays the duty, beyond question neither of these consequences follow from it, as direct protection. It will not do, then, as a principle, to say that we can impose duties upon the foreign producer to protect our manufacturers, if commerce survives and imports continue; because the case supposed demonstratively shows that, while the foreign producer pays the duty

and sends the goods, the cost in our market, and to our consumer, is not enhanced, and that the market itself is as open to the foreigner as it was before the duty. In these cases there is no effective protection to the domestic manufacturer. Prohibition must take place, or the price must be raised in our markets, as effects of the duty, or our manufacturer derives no benefit from it.

"He would make another illustration upon the other side of the argument. Take the same supposed case, except to assume that the consumer, in our country, pays the whole duty. Then the New York merchant pays the British manufacturer the $100,000 for his cloth, as he did the previous year. In addition to this, he pays the $25,000 duties at the New York custom-house, and places his cloths upon his shelves for sale at the cost of the $125,000, instead of $100,000, as in the last year. The duty has raised the price in our markets to its extent, and the merchant finds ready purchasers at the enhanced price. Is our manufacturer then protected? What is to hinder that same British manufacturer from sending to New York as many cloths as he can sell; and how does the duty injure him? He is compelled to pay, at our custom-house, the $25,000 of duties upon the $100,000 worth of cloths; but as he sells for $125,000, he can do this and still take his $100,000 home with him, which was all he asked before the duty. At this price, then, there is no protection to the domestic manufacturer; but as soon as the price recedes from the $125,000, for the supposed quality of cloths, he is protected, because the foreigner must pay the $25,000 of duties while he pays nothing. If both sell an equal lot of cloths for $120,000, as the duty remains the same, the foreigner must pay $25,000 of his purchase-money to the custom-house for duties, and gets but $95,000 for his cloths; while the domestic manufacturer gets the whole $120,000, no tax having been imposed upon his production. The protection is, therefore, an effective protection to him of twenty-five per cent, a part of the tax falling upon the foreign producer, and the remainder upon the domestic consumers.

"Upon these illustrations, he wished to propound the following inquiries, to be answered by those who had studied this subject more deeply than himself. Did they not show, beyond the

power of question, that while the foreigner would consent to pay the whole duty, his goods could be sold in our markets as cheap as before any duty was imposed; and that although he might fill our treasury, there was no direct protection to the domestic manufacturer? That, upon the other side, if the whole duty fell upon the domestic consumer, and the price of the goods was raised in our markets to the extent of the duty, the foreigner could afford to send his goods here, pay our duty, and supply our market, as well as when there was no duty, thus presenting no effective protection at this point? And did it not necessarily follow, from these two positions, that the effective protection to our manufacturer was only when the payment of the duty was divided between the foreign producer and the domestic consumer; and that the larger the share, less than the whole, which the market imposed upon the consumer, the better for his interest, because that was the government of his price, and the measure of his direct protection? Was it not true, that he had no other benefit from that portion of the duty paid by the foreign producer, than as it made our markets less desirable, and less profitable to him, because that went to depress the price here, and only that portion paid by the consumer was added to it?

"Was not this a clear illustration of the protection afforded by a revenue duty? And did it not show that such protection was and must be effective, unless so light that the foreigner could afford to pay the whole of it, and thus keep exclusive possession of our markets? These appeared to him to be unavoidable conclusions from the reasoning, while the measure he had prescribed for revenue duties would seem to be such as to enable the Legislature to keep the competition open and healthful upon both sides, without granting prohibition to one, and visiting exclusion upon the other, or giving monopoly to either.

"He was aware that human wisdom, without practical experience, could not tell what was the extreme revenue point, as to any rate of duty, much less as to the arrangement of an entire tariff; but he believed that an approximation could be made from the information already within our reach, which might be corrected, after the operations of trade should have pointed out its errors, without causing changes seriously detrimental to any

interest. His examinations had satisfied him that a range of duties from twenty-five to thirty-three per cent were as high as most articles of import would bear, consistently with the revenue principle. There might be exceptions, and he thought, if there were, that iron and sugar were the principal articles. These had, for a long time, under our legislation, borne very heavy duties, and continued to be largely imported, and to be very prolific of revenue. Still, he thought the examinations he had made had conclusively shown that the rates of duty, under the present law, were too prohibitory upon these important articles for revenue duties. The trade in the former had fallen off, upon an average, about sixty-five per cent, and in the latter forty-eight per cent, as compared with the year preceding the passage of that law. It might not be necessary to bring them down to the rates he had named to preserve the revenue principle, but he was satisfied that a material reduction was demanded for that purpose.

"The rates he had moved were a quarter and a third of the value of the property to be taxed; and was not that taxation enough, as a general rule, for reasonable protection? Would not as large a share of that tax fall upon the consumers, the whole people of the country, as they ought to pay to sustain the manufacturing interest?

"Second, upon commerce. The influence of high and prohibitory duties upon this great and essential interest cannot be otherwise than deeply injurious. They act directly upon trade, and tend to force it from its natural channels, and to diminish its volume and expansion; and, in that way, to the extent of their influence, strike at the life of commerce.

"Stability is most essential to healthful commerce, and fluctuations interrupt its channels, increase its hazards, and render it fitful and sickly. Very high duties occasion extreme fluctuations, and prohibitory duties destroy trade, and put an end to commerce. The examinations he had made, and the results he had exhibited, of the influence of the present law upon trade — upon the importations — were an exhibition of its influence upon the commercial interest.

"The imposition of all duties operated directly upon trade and commerce, and could not benefit either. Upon them the tax was

more directly felt than upon any other interests; because by them the capital must be raised to first meet the payment, and upon them the whole influence was concentrated, whoever might eventually refund to them the duties paid. Still, he did not believe that moderate, reasonable, stable duties, such as would be imposed within a wise and just revenue arrangement, would be severely oppressive upon the commercial interest, or would be seriously complained of by it. This interest should bear its share of the common burdens, and, fairly treated, it was as able, and he believed as willing, to bear it, as any other interest. It had a right, however, to claim exemption from the oppression of duties not required for revenue, and not imposed to collect it; and from prohibitions, which were its destruction. Under any stable, well and wisely arranged revenue system, it could bear the burden of collecting the revenue, which the country should require from customs, and could preserve health, activity and vigor; but under a system of prohibitions, and strongly prohibitory duties, injurious both to revenue and trade, it must be sickly, fitful, feeble and hazardous. Constant changes from extreme to extreme, and constant agitation, were no better for commerce — perhaps much worse. That system of duties which would produce general contentment with all interests, and could, therefore, be stable, was alone consistent with the prosperity of commerce; and that, he believed, would be found in a fair revenue system.

"Third, upon agriculture. The influence of the present tariff law upon the agricultural interest was the most important consideration, because it is the basis of all the other interests, and, in our country, more important than all others. The great mass of our people are engaged in this interest, are dependent upon it for their subsistence and their comforts, and cannot fail to suffer from whatever is injurious to it. Indeed, none of our other great interests can long flourish under any system from which it materially suffers. Its firm prosperity is indispensable to their continued health; and its languishment must soon be followed by their decline, in spite of the power of partial legislation.

"The situation of our country most invites, and its true interests most require, the wide extension and firm advancement of this great interest. Our vast unsettled domain is an unproduc-

tive waste, no matter how naturally fertile the soil, until agricultural labor reaches and subdues it, and changes that waste into fruitful fields. Hence, the influence of our legislation of this character upon the interests of agriculture becomes doubly important, and has a national as well as an individual consequence, paramount to that which attaches to any other of the great interests.

"Under this sense of the importance of the examination he was prosecuting, he hoped the Senate would bear with him while he made a detailed, and somewhat minute, inquiry into the influences of this legislation upon the products of agriculture.

"He would take first the article of wool. This is an important production of agriculture, over a very large extent of the country, and a principal staple in several of the States. The extent and importance of the interest, as well as the great worth of the wool-growers as a class of our citizens, entitles this article to all the consideration and protecting care which Congress can justly give to any article or any interest.

"How, then, was the value of wool in this country, at the present time, compared with the value of similar qualities of the same article in other wool-growing countries? He did not refer to South America, Smyrna and like regions, where the sheep was permitted to range uncontrolled and without care, and where the principal value given to the wool was the cost of taking the animal and cutting off the fleece; but to England, Spain, Saxony and other countries, where wool-growing was made a business of careful cultivation. He could not answer the question he had asked, as applicable to the present time; but he held in his hand a volume of testimony, taken before the Committee on Manufactures of the House of Representatives, during the sessions of Congress of 1827 and 1828, from which it appeared that wool of the same quality was then from fifty to seventy per cent higher in this country than in England. [Mr. Wright here referred to the evidence, and read from the testimony of several witnesses to sustain his assertion.]

"His examinations had established another fact, which was, that Spain, Saxony and all the other wool-growing countries of the continent of Europe exported wool to England, showing that

they produced the article cheaper than it was produced in England, and could afford to sell in the English markets. These importations it had not been, at any time, the policy of England to prohibit; and, for the benefit of her manufactures, they had usually been permitted entirely free, or at a very light duty.

"Wool, then, was higher in our markets than in those of any other country where the article was cultivated, and where the finer and richer qualities were produced. What was now the difference between the prices of fine wools in our markets and in those of England, he did not know; but he did not suppose it was anything like as much as the witnesses referred to had stated it to be in 1828. Indeed, he doubted, at that time, whether the witnesses had not made a high estimate of that difference, because it appeared to him that importations would have been greater if the difference in the price had remained, for any considerable period, as great as they supposed it to be.

"Be that as it may, his object in making these references, and stating these facts was, to inquire whether any Senator supposed we could, by our legislation, maintain wool at a valuation in this country from fifty to seventy per cent above that of all other wool-growing countries, and whether any Senator believed we ought to do that, if we could do it? He did not think we should do this, if we could; because, if we gave wool that artificial value above the markets of the world, we must give the same increased value to woolen cloths and other manufactures of wool, or otherwise we should make the destruction of its manufacture in the country certain; and there would be no market and no price for our wool but the exporting price; and if we must add from fifty to seventy per cent to the cost of all the manufactures of wool, beyond what they might be purchased for abroad, merely to keep the price of wool in this country up to this high mark, he thought the tax would be too heavy for the object; because all must wear woolen goods, while few, in the comparison, would grow wool. He did not, however, think we could accomplish this object, if we should try to do it. There was no portion of the stock of the farmer which could be so easily and so rapidly increased as his flocks of sheep, and with so little out lay of capital; and there was scarcely an improved county in the whole Union

where sheep could not be well and easily grown. If, therefore, we should give to this branch of agricultural industry this great advantage, and these exorbitant profits, how very soon would domestic competition overstock the market and bring down the price? It was impossible, in a country like this, by the power of legislation, or by any other power, to maintain any one branch of human industry in the possession and enjoyment of such an advantage. It was fortunate that it was so; or otherwise the temptations to unjust and partial legislation would be too fearful, and the oppressions from it might become wholly insupportable.

"He was willing to extend to the American wool-growers such fair and reasonable protection as our necessities for revenue would warrant, say thirty per cent; and was not that reasonable protection to our farmers, who choose the business of wool-growing? Was not thirty dollars in every $100 a reasonable advantage, compared with those engaged in other branches of farming, who could not be protected at all? Was it not as high a tax for their benefit as the public would be contented to bear? Was it not as strong encouragement as the business would warrant, without inviting so many to it as to overstock our markets and render the protection useless? For all would see that, when they should be compelled to seek an export market, our duty would not aid them. He was compelled to say he thought this degree of protection would better promote the interests of our wool-growers than a higher or more prohibitory duty; because it would be stable, the revenue being necessary; and because, admitting a moderate foreign competition at the great disadvantage of thirty dollars in the $100, it would not invite that flood of domestic competition which perfect prohibition would be almost certain to bring upon them, and the consequent extreme fluctuation which over-competition never fails to produce. He believed our wool-growers would be satisfied with this degree of protection, if the taxes upon the articles they were compelled to purchase and consume were proportionately reduced.

"Hemp. This is another agricultural production within the reach of protection, or which has been hitherto so considered. Yet it would be seen that the present duty upon this article, upon the actual importations for the three quarters of 1843, was only

equal to an *ad valorem* rate of thirty-two per cent, and if put, therefore, at thirty per cent, the reduction could not be material. The present duties upon some of the manufactures of hemp were enormous, while others were low revenue duties. The duties actually paid upon untarred cordage and yarn were 174 and 199 per cent, while those paid upon sail duck were but twenty-two per cent. These were inequalities for which there could be no reason, connected with a proper protection to the agricultural production.

"He was not acquainted with this branch of agriculture, but he had understood that the difficulty did not arise in the growing of hemp; that our soils were as rich and suitable, and produced the crop as easily and abundantly as those of any other country; but that we either did not possess the skill, or were not willing to use it, because it was injurious to health, properly to rot the hemp for exposed uses. Our hemp-growers practiced the dew-rotting, while the water-rotting was said to be indispensable for durability, when put to exposed uses, such as sails, cordage and the like. He did not suppose any one expected, by any degree of protection, to force our dew-rotted hemp to these uses; and he had never been able to perceive how any duty we might impose was to give us the skill, if we have it not, to water-rot our hemp; or, if we have the skill, and will not use it, because the process is an unhealthy one, how an increase of duty was to change that disposition. He had never understood that the question was one of expense, and, for that reason, requiring protection; and he was happy to learn that some experiments had been recently made to export hemp from this country, with some promise of success. In any way, therefore, in which he had been able to view the interests of agriculture, as connected with this product, he was forced to consider a duty of thirty per cent a sufficient protection, and he thought the hemp-growers would so consider it.

"Sugar. This is an agricultural production, which has grown into importance in our country, within a few years, comparatively speaking, and yet it has already become the great staple of one section, and the cultivation and production are rapidly increasing. He was wholly unacquainted with this branch of agriculture, and

could not, therefore, form any opinion as to the extent of protection required for it. The article was one which had been very heavily taxed, under almost all our tariff laws; formerly, much more as a rich source of revenue, than from any object of protection to the domestic production. It had proved to be an article which would bear a higher rate of revenue duty than almost any other considerable article of import in our whole list. The duty imposed under the present law is much less than that under the tariff of 1816, or any intermediate law, other than the gradual reductions under the compromise act; and yet the rates, as had been seen, were from sixty-seven to 101 per cent under this law. It would be also observed that the falling off in the trade, in this article, upon a comparison with the six years, had been fifty-five per cent; and with the single year 1842, but forty-eight per cent; much less, in both cases, than most of the other articles subject to such extreme rates of duty. These facts were referred to for the purpose of showing that the article would bear a very high revenue duty, and he did not doubt that all the protection required, and certainly all which it would be reasonable to impose upon an article of such universal consumption, could be afforded without a violation of the revenue principle.

"Of the principal agricultural staples of this country, the three named were all which had occurred to him as asking protection, or being within its reach. Of all our other great staples, we are exporters, and not importers; and the markets of other countries, the open markets of the world, are our markets for these products, and must govern our prices. Protection, therefore, by impost duties imposed by us, was wholly illusory and useless. Any duty imposed by us upon the foreign articles in our markets could not raise the price of our articles in a foreign market.

"Take the article of flour. This is an important product of agriculture over a very large portion of the Union; and, of it, the country exports largely. He was aware that a high duty was imposed upon the importation of foreign wheat and flour by the present law; but did that duty benefit the wheat-grower? Where was his price made? Certainly in our commercial and exporting cities. There the surplus of our wheat must go, and did go, to find its market; and there the market-price was established,

which governed the sales throughout the country. What controlled the price in those cities? Supply and demand, which control the price of everything in every market. What demand? The whole demand for flour, no matter whether to be consumed at home or to be exported. All purchasers in the same market pay the same price, without reference to the purpose for which they buy. There is always, as a general rule, a surplus of flour in our commercial markets, beyond the demand for domestic consumption; that surplus must seek a foreign market, and the price it will command for exportation controls the price of the whole mass. Our duty, therefore, was wholly inoperative, and could not exert the slightest influence upon the price of flour, thus controlled, even in our own markets. Flour, then, could not be protected, because we export flour, and the open markets of the world are our markets and must control our prices.

"The argument in favor of the prohibitory system upon manufactured articles was that, by forcing a larger proportion of our laborers into manufacturing employments, we should withdraw them from agriculture, and thus diminish its productions, while they would become consumers, instead of producers of its products, and thus the agricultural interest would receive a double benefit from the policy. He should, by-and-by, have occasion to inquire how far labor was likely to be benefited by a policy which was designed and calculated to make dear bread. But, passing that consideration for the present, he would examine this argument as applicable to the profits of grain-growing as an agricultural pursuit. In just so far as the manufacturing employments of this country increase the general demand in the markets of the world, to precisely that extent is the wheat-grower benefited by the policy, in the single article of the sale of his wheat. Beyond that, this effect cannot be experienced, so long as our wheat and flour market is an exporting market. If the policy could be carried so far as to force a sufficient portion of our labor into manufactures to consume all our flour, and leave no surplus for exportation, then might the wheat of our farmer come within the reach of protection; because then a prohibitory duty upon foreign wheat would give him the monopoly of our markets, and enable him to control the price in them. Until that

state of things could be produced, our wheat and flour could not be benefited by an impost duty. So long as we were exporters, and foreign markets were our markets for these articles, the price of the wheat of our farmer could not be benefited by our duty. The increased home demand would benefit him so far as it should affect the price of his wheat in the export market — no farther; and beyond that he could derive no benefit, while our country should export wheat.

"Did any Senator hope to see the time when this country would not export bread-stuffs? He did not hope to see that time. He thought the masses of the people of this country would find speedy cause to regret such a period, if it should ever occur. They would be likely to find that a monopoly of bread was anything but a protection to their comforts.

"The articles of beef, pook, butter and cheese, agricultural productions of the north and west, stand in the same relation to this policy with wheat and flour. They are great staples of these sections of the Union, and they are all articles of export. Their market is the market of the world, and the prices they command are measured by the wants of the world, not merely of our Union. Import duties upon all these articles are dead letters upon the statute book, so far as the interests of our farmers are concerned. They afford no revenue to the public treasury to lighten his taxes, and add nothing to the price of his products. He spoke comparatively. There were imports under all these heads, but not of that character which conflicted with the farmer's market. Delicacies, luxuries, bearing these general names, were imported in very small quantities, for the uses of those who regarded their appetites more than their pockets. Take the article of cheese as an example. The value of the importations, for the three quarters of 1843, was $3,850, the quantity being 30,033 pounds. This showed a foreign cost of more than twelve and one-half cents per pound, and the duty was nine cents per pound, bringing the article, to the consumer, up to a price probably not less than twenty-five cents per pound, while the market cheese of this country commanded about five cents per pound in our largest commercial markets. So with wheat. Choice seed wheat was occasionally imported, which gave the article a place upon the list of imports,

while the quantity brought into the country did not, in the least, affect the market-price of the wheat of our farmer. So with the other articles named.

"The manufactories were spoken of as furnishing valuable markets to the farmer for these articles of his produce. Where did the manufacturers purchase their supplies? In the great commercial markets, where they sell their manufactured goods. By what price did they purchase? By the same which others paid in the same markets. New York and Boston are the great exporting markets for the flour of this country. Did any one ever think of going to Lowell, the largest manufacturing village in the country, to learn the market-price of flour? Certainly not; but the manufacturer of Lowell goes to the Boston or New York market, both to learn that fact and to purchase the flour for the consumption of his factory; and when there, he purchases for the same price which the merchant pays, who purchases to export to England, France, South America or any other foreign market. The farmer gets no more from the manufacturer than from the exporting merchant. So with all other like articles of supply for the manufacturing establishments.

"It was undoubtedly true that these establishments opened a limited retail trade to the farmers in their immediate vicinage, for fresh provisions and temporary supplies, which was both convenient and lucrative; but this was a benefit too narrowly circumscribed to be taken into the account, when discussing the great and general interest of agriculture throughout this wide country.

"Cotton, rice and tobacco were great agricultural staples of the southern and south-western States, which were also compelled to seek foreign markets, and were therefore beyond the reach of protection from import duties. Of these articles, the cotton was by far the most important, as it was much the most important article of export from our country. He believed the estimates were that about one-fourth of the ordinary annual crop was consumed at home; the remaining three-fourths being, of course, compelled to seek a foreign market. What proportions of the tobacco and rice found a home market, and what proportions were exported, he was unable to say. It was enough that the interests of all these branches of agriculture were in much better and abler

hands than his here; and in those hands he should cheerfully leave them.

"Not to go further in this examination of agricultural productions, here were eleven principal articles, three only of which could be materially and practically benefited by protecting duties; and it was for the wisdom and the justice of Congress to decide how far the great public and private interests of all would be consulted by taxing the eight, for the benefit of the three, beyond that degree of taxation which a supply of the public treasury should demand, and the proper rates of duties for raising revenues should warrant.

"If such were the relative advantages and burdens, flowing to the manufacturing, commercial and agricultural interests, from the prohibitory system of duties, what were the relative claims of these several interests to the favors and bounties of the government, growing out of the actual profits of capital now invested in them respectively? Upon this point he pretended to no extent or accuracy of information; and his object was to throw out the crude impressions he had imbibed — rather to elicit information from others, than under any expectation of communicating information himself.

"In agriculture the great mass of the capital of the country is employed; and what does it yield, in net annual proceeds? The Senator from South Carolina [Mr. McDuffie] had said he did not believe the net profits of the planters of his State exceeded, upon the average, five per cent upon the capital invested. He was surprised, at the time, to hear the gentleman make so high an estimate. He had reflected much upon the subject, and taken some pains to make inquiries from others, and he did not believe that the net profits of the capital invested, upon a fair appraised value of the property in the market, in any agricultural county in his State, taking an average of years, would exceed three per cent, and he should not feel surprised to know that it did not exceed two per cent. He knew that the moderate but independent farmers of his section of the Union, worth from $3,000 to $8,000 and $10,000, as industrious and frugal as any class of the citizens of this country were, or could be, who could pay off their expenses and lay up from $100 to $300, at the close of the year,

not counting the labor of themselves and their families upon the one side, or their living upon the other, considered themselves as doing well. The investments of capital were more secure in this branch of industry, and to that extent should yield less returns. He did not doubt that many would think him wild in the judgment he had pronounced, and perhaps he was; but if gentlemen would institute careful inquiries, he had no doubt they would be surprised at the very moderate profits derived from the capital employed in agriculture, as a general average for the country.

"In commerce the case was very different. Here the hazards were extreme, and success usually brought extreme profits. There appeared to be an attraction in this pursuit, growing out of the very hazards which surrounded it. Vast fortunes were sometimes suddenly accumulated, and, like the lotteries, men were prone to look at the prizes, not at the blanks, which were drawn. Still, he very much doubted whether, as a whole, the net profits of the capital invested were not less in this than in either of the other great divisions of business. He had often thought that, were any branch of human industry presented, however lucrative the compensation promised, where the hazards to life and health were seen to be as great as are the hazards which attend the employment of capital in commerce, and where so many wrecks could be seen along its shore, no human being would be found to engage in it. He had heard calculations of the rate per cent of commercial men who fail in business, and it was fearfully great, though his memory would not permit him to state, with confidence, what the rate was.

"How, then, was it in the manufacturing and mechanical branches of industry? Here, more than in the other branches, forecast and calculation can be employed. The agriculturist must take the chances of the seasons, the merchant the perils of the seas, and both the changes of the markets; while the latter is the only hazard of the manufacturer and mechanic, whose employments do not rest upon artificial and changing legislation. He could speak from an acquaintance, somewhat extensive, as to the mechanics of the country as a class of citizens; and where industry and prudence were carefully observed, no class of men in our

country were more certain to reach comfortable independence. Among the most useful, independent and respectable citizens, wherever he had enjoyed a personal acquaintance, he had always found the mechanics, as a class, holding a very prominent place. Hence, he had been led to believe that the profits of capital and the fruits of industry, in their employments, were as good as in any others he had known, as a general remark.

"With the large manufacturing establishments he had scarcely any acquaintance. He must speak of them, therefore, from report, and he should do so principally from what had been said of the profits of their capital, in the course of this debate. And what had been said upon this point? Their dividends had been spoken of as ranging from six, seven, fourteen and twenty per cent, up to thirty and forty per cent, per annum. These latter rates, he was compelled to suppose, must be somewhat exaggerated. He had, however, been informed, from sources upon which he placed strong reliance, that some of the establishments engaged both in the cotton and the woolen manufacture were able to divide to their stockholders seven per cent upon their capital stock, half-yearly, and to accumulate a surplus amply sufficient to cover all contingent losses. This was too much for interests sustained by the universal taxation of all other branches of industry. If this was so, it proved conclusively, to his mind, that the present prohibitory duties should be modified, and fair revenue duties substituted, that a healthful competition might moderate these profits, by a reduction of the prices of the manufactured articles to the consumers. This was far beyond the profits of capital in other branches of industry, and too much to be sustained by burdens imposed upon them. [Here Mr. Wright gave way to a motion that the Senate adjourn.]

"Tuesday, *April* 23, 1844.

"Mr. Wright said, when addressing the Senate upon a former day, he had closed what he had proposed to say of the influence of prohibitory duties upon capital, and the three great divisions of industry in which capital is employed. He did not propose now to recapitulate at all, but to complete the task he had assigned to himself with as little further consumption of the time of the Senate as possible.

"It remained for him to consider the influence of the system of prohibitions and prohibitory duties upon labor, as a distinct interest; the labor of those operatives, in all the great departments of industry, which is compensated by stipulated wages, and has no other or further interest in the capital which employs it, or in the profits or losses arising from the employment of that capital.

"This division of the subject and the careful consideration of this head, was rendered more appropriate and important because the advocates of the system of high and prohibitory duties place its defense and justification mainly — nay, he might say almost exclusively — upon the ground of protection to this labor. To give it more constant and more profitable employment was their great avowed object; and some of the most earnest of those advocates, in this debate, had gone so far as to say that, if this ground could not be sustained, the system itself could not be defended and justified.

"This avowed object was a worthy one. No great interest in any country more justly demanded or deserved the watchful regard of legislators than this labor, and no member of this body felt more earnestly anxious than he did to shape all our legislation so as to bring the fewest burdens upon, and the greatest benefits to it. Under the influence of this disposition, he should enter upon the examination of what he thought were, and must be, the influences of such a policy upon this description of labor in our country.

"One position could not fail to be admitted. If the high duties raise the price of the necessaries of life to our laborer, the cost of his food, his clothing and his comforts, to that extent they are a tax upon him, and lay him under the necessity of having more constant employment, or higher wages, or both, to meet the increased expenses of his living. And this consequence must attach to him in whichever of the great branches of industry he may be employed. The tax he must pay upon these necessaries must be equal, whether he be engaged in manufactures, commerce or agriculture.

"While the high duties remain, and are effective to raise the price and extend the market for manufactured articles, those

engaged in the manufacturing branches of industry may be able to employ more labor, and to pay better prices, in consequence of the duties; but it has been already shown that duties imposed for protection, and not for revenue, never have been and never can be sustained at a stable point; that, as soon as they shall have the effect to give artificial values to the protected articles, the burden of the tax will be felt by all other interests, the disproportionate profits to the protected interests will be seen, discontents will be engendered, and the duties will be reduced. This will suspend employment at the high rates of wages, and the laborer will be thrown out of employment.

"Again: if too prohibitory, commerce will be destroyed, the collection of revenue defeated, and a reduction of the duties back to the revenue point will become compulsory. This will have the same effect to render the employment of the laborer inconstant and fitful, as well as to unsettle the rate of his wages. And if these two almost unavoidable consequences do not follow, the increased profits, arising from the artificial values given to the products, will produce domestic competition, break down the monopoly, reduce the business to the level of other pursuits, and thus destroy the effect of the duties upon the wages of labor. In either of these events, the influence upon the wages of the laborer must be temporary, and the consequence of the temporary increase of his compensation must be inconstant employment, at any rate of compensation.

"In this aspect of the case it is important to examine the nature of the connection between this labor and the capital which employs it, in the manufacturing branches. And it should be premised that, in any state of duties, any advance in the rates of wages will only be a consequence of an advance in the products of that labor, and, so far from keeping pace with the latter, be the enhancement of the value of the products what it may, the only increase in the compensation to labor will be what is required to command the requisite amount of it from the other great branches of industry. If the goods of the manufacturer should be doubled in value, it by no means follows that he would double the wages of the labor he employs. That would depend upon the rates of wages which his agricultural and commercial neigh-

bors were able to pay, and the rate of wages he would establish would only be such as to take from them the labor he should require. An advance of five per cent would effect this object, and he certainly would not go beyond its accomplishment. This principle is not only true when applied to labor employed in manufacturing, but is equally applicable to the wages of labor in all the pursuits of industry. No capitalist, whatever may be his employment, pays more for labor than will command such as he requires, be the profits of his business what they may. If the wheat of the farmer, or his wool, or his beef, double in value, he does not, in consequence, double the wages of his laborers. If the adventure of the merchant double his capital invested, he does not, in consequence, double the wages of his sailors and cartmen. A permanent advance in products generally usually draws after it an advance in the wages of labor, but always as a consequence; the labor is the last to advance, and when the enhancement of the value of products is extreme, labor never keeps pace with them. The ordinary wages of the able-bodied day laborers of the north in the hay and harvest season, is one dollar, in money, or one bushel of wheat; but let wheat advance to $2.50 per bushel, as it sometimes does, and the wages of the laborer may be $1.50, never more, and more likely $1.25. The operation of this rule is universal.

"Let the usual revulsion come, after one of these periods of high prices, as it always must come, and what is the effect upon labor? Employment, at any rate of wages, almost ceases The farmer and the merchant curtail their operations within the narrowest possible limits; and the manufacturer closes his factory and stops altogether. This compels the laborer, at once, to work for any rate of wages he can get, when any employment at all is offered. Such are the fruits of extreme fluctuations upon labor; and it had been seen that fluctuations must be a consequence of high and prohibitory duties, and a consequent artificial standard of value, in any branch of industry.

"Again: the manufacturer can make his business the subject of very accurate estimate and calculation; and hence he is able to establish the rates of his laborers' wages so as, with a very great degree of certainty, to protect himself from loss. He is

about to make a certain quantity of a certain description of goods, say cotton or woolen cloths. He can tell precisely what the materials will cost him, how long it will take his mills to work them up, what will be the ordinary wear and tear of his machinery, what his allowance for accidents, what the interest upon his capital, and, from the prices current of the day, what the cloths will sell for in the market. He knows, then, what he can afford to pay for the labor, his only risk being a change in the market, before his cloths can be placed there. Will he exceed in his rates of wages what he thus ascertains he can afford to pay? Never. He will sooner close his mills, and let his capital remain idle. Will he pay for his labor all which his calculation shows him he can afford to pay? That does not follow, if that be more than will command from others the labor he wants. Hence, in this branch of industry, the laborer must work for the ordinary rate of wages, be the profits of the manufacturer what they may; while, if prices are low, he must work for what the manufacturer can afford to give without loss to himself, or the factory is closed, and he finds no employment there at all. In other words, the profits upon his capital are the whole object of the proprietor of the manufactory; and he will not work it to his own loss, knowing it to be so. If, therefore, fluctuations come, which he can foresee — if prices fall below a healthful line — the weight is thrown from himself on to the shoulders of the laborer, and he must bear the loss in a reduction of his compensation, or he must be thrown out of employment altogether.

"Another consideration, he supposed, must materially affect manufacturing labor. He was not personally acquainted with the subject, but he supposed that labor was rendered more dependent than labor in the other branches of industry, because the laborer, by long employment in a manufacturing establishment, was, to a great extent, unfitted to perform profitable labor in any other calling. Was this not so as to the great body of manufacturing laborers? and did not, therefore, the sudden closing of the factories, and the entire arrest of their employment, reduce them to peculiar dependence, unknown to any other classes of laborers in our country? Such were his impressions, and, if they were well founded, they would show the great power

which the manufacturing capitalist must hold over the employment, and, by necessary consequence, over the living, the comforts and the independence of the manufacturing laborer. Was it wise or politic, in reference to the labor of this country, to endeavor to shape our laws so as to force it into these dependent situations, from the more free, and equally comfortable and respectable employments of agriculture and commerce? He could not think so.

"He had admitted that, while the high duties should be effective to the manufacturing interest, it could afford to make a better compensation to labor, although the rates of compensation, so artificially improved, as well as the entire labor under the system, must thereby be rendered unstable, fluctuating, fitful and uncertain; yet how would the same system of duties and prohibitions affect the commercial branch of our industry? He had before attempted, and he believed successfully, to show that this whole policy must be a direct burden upon commerce. Upon this interest it was that the tax was directly felt. Here the capital must be raised to pay the duties. Here the hazards of the markets, at the enhanced prices, must be encountered. And can this great branch of industry make better and higher compensation for its labor under such a system? Palpably not; and yet its labor is equally taxed, and equally demands increased compensation. Suppose the duties are prohibitory. To that extent commerce is destroyed, and the call for labor to carry on its operations is also destroyed. Its whole operations, too, under such a system, must be unsteady, uncertain, changeful and fluctuating; and so must be its demand for labor, and its ability to compensate it; and yet its labor, under all these disadvantages, must bear its full share of the burdens of the system. Its food, and clothing, and comforts, must bear the same taxation with the other branches of labor, and be injured in the rate of its compensation, in the steadiness of its employment, and in the extent of the demand upon which it relies. Need he say more to prove that moderate, reasonable, stable revenue duties were infinitely more advantageous to the labor employed in commerce than a system of prohibitions even intended to protect labor?

"How was it, then, with the labor employed in agriculture?

The wool-grower, while the protective duties shall have the effect to raise the price of his wool, may be able more fully to compensate the labor he is called upon to employ; but what is his demand for labor? Nothing like that of the man who tills the soil and makes grain-growing his business. Upon this point he spoke with some confidence, as he believed he possessed accurate personal information. That portion of the country in which he had resided, from infancy to manhood, was then a grain-growing and is now a wool-growing district. The consequence had been a vast change in the hired labor employed by the farmers. Their hay-cutting season was now the only one in which the demand for labor was extensive, most of the farmers intending to tend their flocks of sheep and manage their limited tillage with small additions to the labor of their own families; and the mass of the labor of their hay fields was now performed by transient laborers from the neighboring British province of Canada. The rate of wages was high, but the employment very temporary; and in consequence that class of native laborers which, when he was a boy, had depended upon employment from those farmers was not now found there. They had gone west to the grain-growing sections.

"The hemp and sugar-growers of the south-west might require the same or even more labor, in consequence of their protection, and might also be able to pay better prices, so long as the duties should have the effect to enhance the value of their products in the market. Of these agricultural employments he could not speak from personal acquaintance, and he was, therefore, disposed to indulge the most favorable presumptions in regard to the labor employed in them.

"What was the influence upon the labor employed in tillage, in raising the wheat and other grains of the north and west, and in making the beef, pork, butter and cheese of those sections, and in cultivating the cotton, rice and tobacco of the south? They would require the same labor in proportion to their productions. Their labor is equally taxed with that in the other branches; and their own clothing and other necessaries and comforts, save the povisions which they produce, bear the same burdens with those consumed by their fellow-citizens in other employments. Will

the system of high and prohibitory duties enable them to pay more for their labor? It has been seen that their products must seek the open markets of the world, and that our duties cannot affect their price. If the duties shall be so high as to break up or materially interrupt the exchanges of commerce, to that extent their markets must be injured and the value of their products depressed. How, then, can they afford to pay higher wages for labor under such a system, than under one of stable revenue duties, which leaves their markets open, commerce healthful, and themselves and their labor but moderately taxed, and that to supply the national treasury, which they must, in some form, contribute to supply? They cannot. They cannot so well afford to compensate labor for its toil; and yet these employments are the great resource of at least nine-tenths of the labor of this whole country.

"Entertaining, most deeply, these impressions in relation to the influences of the prohibitory system of duties upon the labor of this country, he had expended a good deal of time and research to inform himself as to the results of a like policy, upon this great and vital interest, in countries where the system was much older and had been much more rigidly enforced, than as yet with us. One natural and necessary consequence of the system had appeared to him to be to increase the power of capital over labor, by forcing it into artificial channels, and thus increasing its dependence; to increase the profits of capital at the expense of labor, and, finally, to give to the former a monopoly to impoverish and oppress the latter.

"As England is the country to which we are most usually referred for lessons of wisdom upon this subject, and the British government is the one which claims and receives the credit of having most perfectly protected it domestic interests, and especially its labor, he had referred to British history to satisfy his inquiries upon this point. The examination had been a tedious one, and briefly and imperfectly as he intended to exhibit it to the Senate he should be compelled to be tedious in the performance of that task.

"And, first, as to wool. The export of wool from Great Britain was prohibited by law from 1660 down to 1825, while the article

was permitted to be imported free of duty down to the year 1802. Here the agricultural interest was made subservient to the manufacturing, by the strongest provisions of the law. The British wool-grower was compelled to sell his wool in the markets of his own country, and all the world were at liberty to compete with him there upon equal terms. In 1802, a very light revenue duty of 2*s.* 3*d.* sterling per cwt. was imposed upon imported wool, which was raised, in 1813, to 6*s.* 8*d.*, and in 1819 to 56*s.*, equal to 6*d.* per pound. This high duty was continued but for a short period; when, to favor the manufacture, the import duty was brought back to one farthing per pound upon wool costing 1*s.* sterling per pound or under, and one penny per pound upon all other wool, where it now remains.

"In 1337, Parliament passed a law 'prohibiting the wear of any cloth made beyond sea, and interdicting the export of English wool.'

"In 1525, the manufacture of wool was domestic, and pretty equally distributed over the kingdom.

"In 1533, a law was passed reciting 'that the city of York afore this time had been upholden principally by making and weaving of coverlets, and the poor thereof daily set on work in spinning, carding, dyeing, weaving, &c.;' that the manufacture, having spread into other parts, was 'thereby debased and discredited;' and enacting, as a remedy for this evil, that henceforth 'none shall make coverlets in Yorkshire but inhabitants of the city of York.'

"At about the same time an act was passed to restrain the manufacture in Worcestershire to the town of Worcester and four other towns.

"Here was protection to the woolen manufacture, carried not merely to the prohibition of all imports of woolen goods, and the wear within the realm of all cloths made beyond sea, but to the prohibition of the manufacture, in certain branches, by any of the inhabitants of the country, except in certain specified towns; in other words, protection by law against domestic as well as foreign competition.

"In 1677, a law was passed declaring upon its face that it was for the encouragement of the woolen manufacture, which required

that all persons should be buried in woolen shrouds, and that the coffins should be lined with woolen cloth, if lined with cloth at all. Heavy penalties were imposed for any violation of this act, which went to the clergyman of the parish, whose duty it was made to prosecute for the penalties when incurred; and he was to read the act to his congregation on a specified Sabbath in each year. This law the historian says was enforced, and remained a statute of the realm for more than 130 years.

"As early as the year 1700, manufactures of wool were exported from Great Britain to the amount of more than £3,000,000 sterling per annum. In 1787, the average exports were about £3,500,000, up to and until after which date all importations were entirely prohibited. In 1819, importations were permitted at a duty of fifty per cent; which duty was subsequently reduced, and, in 1834, was but fifteen per cent upon goods not made up, and twenty per cent upon those made up, or partly so.

"In 1835, the entire manufactures of wool in the kingdom were valued at £21,000,000, a little less than one-third of which were exported.

"This brief sketch would show with what minuteness and rigid care this interest had received legislative protection in England, and how readily and perfectly even the agricultural interest was subjected to its advancement; and under that government, where the will of Parliament is the Constitution and the only limit of power, they were not compelled to resort to prohibitory duties to reach such an object, but prohibitions in terms, as well of exportations as of importations, were readily and freely resorted to, when thought to be more efficient.

"The duty upon bar-iron, in 1787, was £2 16*s.* 2*d.* per ton, and upon iron in pigs, twenty-seven and a half per cent; but iron castings and manufactures of iron were prohibited. At this period, the exports of iron were very small, only some 11,000 or 12,000 tons per year. In 1819, the duty upon bar-iron had been raised to £6 10*s.*, and upon iron in pigs to 17*s.* 6*d.*, while the importation of iron castings was permitted at a duty of twenty per cent, and wrought-iron and the manufactures of iron at fifty per cent. In 1834, the duty upon bar-iron had been reduced to £1 10*s.*, upon iron in pigs to 10*s.*, upon castings to ten per cent,

and upon wrought-iron and the manufactures to twenty per cent. In this year the exports of iron were 145,000 tons, and in 1838, 255,317 tons. The substitution of pit for wood coal, about a century ago, gave a wonderful impetus to this manufacture in Great Britain, and reduced the price of iron one-half in a comparatively short period.

"The manufacture of cottons to any considerable extent, in Great Britain, is comparatively of recent origin. It is supposed to have existed to some extent in the early part of the seventeenth century; but down to a period as late as 1773, cotton was only used for filling upon a linen warp. This manufacture was also at first domestic, and very generally scattered over the country. The weavers purchased their linen warp of the Irish, their cotton wool in their own markets, and from these materials made their cloth in their own houses, and sold it where they could find purchasers. About 1760, the merchants of Manchester commenced to purchase the warp and cotton, and send agents into the country to hire the weavers to manufacture cloth for them. At this time the whole value of the manufacture in the kingdom was but £200,000 per annum. In 1767, Hargrave invented the spinning jenny, and soon after Arkwright invented the spinning frame. About 1785, Compton invented the mule jenny, and Cartwright the power loom. After these improvements the manufacture extended itself with unexampled rapidity, although this has never been an interest so peculiarly favored by British legislation as the woolen interest. At an early period this branch of manufacture was directly discouraged, and almost prohibited by law. In 1721, a law was passed imposing a penalty of five pounds upon the weaver, and twenty pounds upon any person who should sell a piece of cotton calico within the realm. This was to protect the woolen and linen manufactures; and fifteen years after this time, this legislation was so modified that calicoes manufactured in Great Britain were permitted to be worn, 'provided the warp thereof was entirely of linen yarn.'

"At this early period, importations of cotton wool were permitted free of duty; and, as early as 1787, the manufactures were protected by an import duty of from forty-four to fifty per cent. In 1819, these duties had been raised to fifty and sixty-

seven and one-half per cent; and, in 1834, they had been reduced to ten and twenty per cent.

"Nothing could exhibit more forcibly the advance of the cotton manufacture in Great Britain, or of the production of cotton wool in this country, than a brief reference to our exports of that article to that country. In 1791, the first cotton wool was imported into England from the United States, and the quantity was 189,316 pounds. In 1792, the quantity was less, being only 138,328 pounds. In 1793, Whitney invented the cotton gin, and, in 1794, we sent to Great Britain 1,601,760 pounds of cotton; in 1795, 5,276,300 pounds; and in 1837 (forty-two years), this export had reached the enormous amount of 444,211,537 pounds. Previous to 1831, the import duty into Great Britain did not exceed six per cent. It was then raised to ten shillings sterling per cwt., which duty was found too burdensome to the British manufacture, and, in 1833, it was reduced to 2*s.* 11*d.* per cwt. At about this period, the estimated value per annum of the manufactures of cotton in the realm was £34,000,000 sterling, more than a third beyond the value of the manufactures of wool at the same period. Of this amount of manufactures, about one-half are annually exported, and find their market out of the kingdom.

"Such was a very brief sketch of these three important branches of manufacture, wool, iron and cotton, in Great Britain, from their infancy until they became extensive and important exporting interests; and it deserved remark, that that one of the three which depended entirely upon a foreign material, and which had been the least favored by legislation, had become by far the most important of the three, and much the most extensive and important manufacturing interest in the kingdom. Another remark should also be made, and it was that all these interests had long since advanced beyond the reach of protecting duties, by becoming exporting interests, and being compelled to seek the open markets of the world for a very large share of their productions. The present import duties, being low revenue duties, was conclusive proof upon this point.

"This brief history shows a further fact connected with the arguments urged in support of the prohibitory policy in this

country. It was that Great Britain had reached that condition which the advocates of that system here seem to suppose is so very desirable, and would be such a source of wealth, happiness and independence to this country — the condition when the population of the country require all its produce of provisions for their own sustenance. There the agriculturalist has that home market, the exclusive benefits of which hold so conspicuous a place in these arguments.

"What had been, and what was now, the influence upon the labor of Great Britain of this home monopoly of food? This was the point he was at present discussing, and it was in reference to the influence upon labor that he now proposed to examine the protective and prohibitory system of that government, and its general legislative policy in respect to the agricultural interest. Here, again, he should be compelled to be tedious, but to himself the examination was not without deep and exciting interest. He proposed to confine himself principally to bread-stuffs, and mostly to the article of wheat.

"He found that, from the Conquest in the eleventh century down to 1436 (nearly four hundred years), the exportation of bread-stuffs from England was entirely prohibited, while he found no notice of any restraint upon importation. The declared policy during this period was to secure an abundance of provisions and low prices. In other words, it was a system of protection to labor at the expense of capital.

"In the year last named, a law was passed to permit the exportation of bread-stuffs when the home price should have fallen to a certain specified point. For wheat it was about thirty-six cents per bushel, and other grains in proportion. The policy of this legislation was to relieve agriculture from the depression of its own overstocked markets, but under the restriction that exportation must cease when the domestic price should rise above the point named.

"Laws were also passed to regulate and restrain the domestic trade in bread-stuffs. These laws made it highly penal for purchasers to buy up and engross the stocks of grain, and prohibited purchasing in one part of the kingdom to sell in another.

"In 1562, exportation was permitted when the domestic price

should fall to about fifty-four cents the bushel for wheat; and, in 1571, the permission was extended to the price of about $1.07; but an export duty of about ten and three-quarter cents was imposed, to be paid to the public treasury.

"In 1624, the laws imposing restraints upon the internal trade in bread-stuffs were materially modified.

"In 1670, the point of exportation was extended to the price of about $1.47 per bushel for wheat, the same export duty being imposed. The same law prohibited importations when the home price should be at or below the point of exportation, and imposed an import duty of twenty-two and one-fifth cents per bushel until the home price should rise to $2.22, when importations could be made free of duty.

"This appeared to be the first law adapting the policy of direct protection to agriculture by prohibitions and import duties.

"In 1673, only three years after, all the laws restraining the internal trade in grain were wholly repealed, evidently in furtherance of the same policy of removing the restrictions upon agriculture and extending its privileges.

"In 1689, sixteen years later, the policy on the subject of the exportation of bread-stuffs was precisely reversed. The export duty of ten and three-quarter cents per bushel was repealed, and a bounty allowed of about fourteen cents per bushel, to be paid from the public treasury, upon the exportation of wheat, when the home price should be at or below $1.33 per bushel. This swept away the last remaining vestige of the legislation designed or calculated to make bread plenty or cheap; and adopted fully the policy of legislating, as our system proposes to do, to make it scarce and dear.

"From this period until 1773, almost a century, the legislation fluctuated — at some periods exportation being wholly prohibited, and at others the sums paid in bounties upon exportation being very large. In the single year 1750 these bounties paid amounted to $1,062,270. At the early part of this interval, the import duty was increased to about forty-five and three-quarter cents per bushel upon wheat, when the home price was at or below $1.52 per bushel; and half that duty above that price and below $2.30, when importations were permitted free. In 1699, 1703,

1704 and 1747, additions were made to this duty, the last law fixing it at sixty-three cents per bushel when the domestic price was at or below $1.25, and continuing very heavy duties until that price should rise to the former limit of $2.30.

"In 1773 a great change was made. Importations were allowed at a merely nominal duty, when the home price should rise to $1.37 per bushel for wheat, and exportation was entirely prohibited when that price should be above $1.22. This law also first allowed importations of wheat in bond. Here was an extensive remission of the former protective policy in favor of the consumers of bread-stuffs, and consequently in favor of labor. From this time until 1791 no material change took place in the general policy of the legislation, though several laws were passed increasing the import duty when the price of wheat was at or below the limit before fixed of $1.37 per bushel, the last bringing that duty up to sixty-nine cents per bushel.

"In 1791, new demands were made for further protection to the agricultural interest. Deep fears were expressed that the country would be brought to a dependence upon foreign wheat for its bread, unless greater encouragement was given to the domestic wheat-grower. The duty was then sixty-nine cents per bushel, but that duty ceased when the home price should rise above $1.37. The consequence of this agitation was the continuance of that duty until the home price should rise above $1.43, and the addition of heavy duties between that price and $1.54 per bushel.

"In this legislation was furnished the clearest evidence that the consumption of bread-stuffs in the kingdom was exceeding its fair natural production, and the brief sketch he had given of the advance of the manufacturing interests would show that at this period it was that the manufactures of woolens, iron and cotton were making their most rapid extensions, forced along by very high protecting duties or positive prohibitions. The consequence of this farther protection to the grain-growing interests was a forced movement in that direction. Lands much more suited to grazing were taken in and put to tillage under the artificial encouragement and the necessities of the country for bread, and mark the first consequence.

"In 1793, at the expiration of but two years, the bounties upon the exportation of wheat from the realm were revived. The domestic markets had become so soon overstocked, and as the landowners could not sustain the consequent fall in the home price, a bounty must be paid to them, from the public treasury, for exporting their surplus to foreign countries, and selling it there cheaper than they were willing to sell it in the markets of their own country.

"In 1797, the Bank of England suspended specie payments, prices of commodities and of bread-stuffs with others rose greatly, and demands for further protection to the grain-growers was the speedy consequence; and in this year, and also in 1803 and 1804, moderate additions were made to the import duty.

"A second law, in 1804, fixed the import duty at eighty-six and three-quarter cents per bushel, when the price should be at or below $1.80, and a moderate duty between that price and $1.89. This act continued the bounties on exportation when the home price should fall to $1.35.

"In 1805, 1806, 1809 and 1813, laws were passed increasing the import duty; the last fixing it at $1.13 per bushel, when the price in the domestic market should be at or below $1.80.

"In 1814, all restrictions upon exportation were taken off, and all bounties upon exportation repealed.

"In 1815, after a desperate struggle in the country and in Parliament, a law was passed prohibiting importations for domestic consumption, when the price of wheat was at or below $2.30 per bushel, and allowing them, free of duty, when the price rose above that point.

"Here, this branch of British legislation reached its climax, and between that time and 1827, several acts were passed permitting importations of bread-stuffs, for specified periods or in limited quantities, or under special orders from the crown or the board of trade, at very moderate duties; and upon one occasion the lords commissioners of trade actually admitted the importation of a considerable quantity of bread-stuffs, in the face of the law, and subsequently sought and received the sanction of Parliament for their act.

"In 1827, a modification of this extreme protection took place.

The import duty was fixed at fifty-seven cents per bushel when the price of wheat should be at or below $1.72; and for every fall from that price of twenty-two cents, forty-four cents were added to the duty; and for every rise in the price of twenty-two cents above the point fixed ($1.72), forty-four cents were to be taken from the duty, until wheat should come to be about two dollars per bushel, when the duty was to be stationary, and merely nominal — only equal to about two and three-fourths cents per bushel. This act was limited upon its face, and was to expire on the 1st of May, 1828. This was the first direct introduction of the sliding-scale of duties, which still characterizes the British corn-laws; and these modifications of the law of 1815 were predicated upon the admission that the protection to this interest had been carried to excess under that law.

"In 1828, a general law fully adopting the sliding-scale, so called, gave again permanent regulation to these duties. The point fixed for importations at a merely nominal duty was a domestic price a trifle above two dollars per bushel. For a fall of 1*s.* sterling below this price, 2*s.* 8*d.* were added to the duty per quarter of eight bushels; for a fall of a second shilling per quarter, four shillings more were added to the duty; and so on, irregularly increasing the duty as the home price of wheat should fall, until, at the price of $1.85, the duty should be fifty-seven cents per bushel; and from that point the duty was to increase exactly as the price should fall.

"After this period no material change is believed to have taken place until the now existing law, which fixes the duty at fifty-five and one-half cents per bushel when the price of wheat is $1.41½, and diminishes the duty exactly, or almost exactly, as the price rises, until it reaches two dollars, when the duty becomes fixed, and merely nominal — 1*s.* per quarter of eight bushels.

"Such was a brief and very imperfect sketch of the protection which British legislation had given, first to the consumers, and then to the producers of bread-stuffs.

"A mere glance at the legislation in reference to a few other articles of provisions would close this review. In 1787, the import duty upon hams and bacon was $10.43 per cwt.; that duty in 1819 had been raised to $12.43, and is now just half that amount,

$6.21 per cwt. The importation of salted beef and pork was prohibited in 1787 and in 1819, and now the duty is $2.66 per cwt. In 1787, the import duty upon butter was but fifty-five and one-half cents per cwt., and in 1819, and at the present time, it is $4.44. Upon cheese, the duty in 1787 was thirty-three and one-third cents per cwt., and in 1819, and at the present time, it is $2.31. Such has been the protection extended to these important agricultural productions, which are equally necessary articles of food.

"Such has been the British system of protection to domestic interests, as the terms are used in this debate — to great branches of manufacture, and to the great and leading interests of agriculture — and what have been the fruits to the British population, to the British masses, to British labor? — for this last was his present point of inquiry.

"Need he refer to the present condition of the laboring masses of Great Britain to answer this question? Were authorities required to establish and illustrate the condition of that portion of the British population? He should not attempt to adduce them. The very argument upon which the present tariff law was sustained, and its policy justified, by its most intelligent as well as most distinguished advocates here, admitted all he wished to infer as the fruits of the British system. What was that argument? That our manufactures, our agriculture, our every interest, required to be protected against 'the pauper labor of Europe;' and of what country in Europe so much as Great Britain? What other country held such stern competition with us in almost all our manufacturing interests, and especially in wool, iron and cotton? Not one, and not all the countries of Europe combined. Protection, then, was demanded, most emphatically, against the pauper labor of England, of Great Britain. And hence his argument, drawn from the practical workings of the British system, could not be inapplicable or inappropriate.

"Again, he would repeat, he was examining the influence of this prohibitory and monopolizing system upon labor, upon the condition and comforts of the laboring classes, and upon the wages of labor.

"What, then, was the present condition of the day laborer in

Great Britain? What in England itself? That of poverty, want and hunger. Poverty in his dwelling, in his clothing, in his food. He remembered to have seen, within one or two years, extracts from some public document, he believed some examination before a committee of Parliament, in which it was stated that the agricultural laborer of England did not consume as much wholesome bread, by about one-fourth, as the same discription of laborer in France, and nearly one-half less than the same laborer in this country; that he did not have, on the average, to exceed one full meal of butcher's meat per week; and that the laborers in the manufactories were not as well fed as those employed in agriculture. The same document stated that the laborer in Ireland was scarcely acquainted with the articles of meat and bread, as articles of his own food, the potato being almost his exclusive living.

"Such had been the fruits of this system of prohibitions and monopoly of bread to labor in Great Britain, and such was the condition to which a rigid adherence to it for many centuries had reduced the common laborer of that country. It had produced an impassable separation between labor and capital, and an examination of the official documents upon which the modern British legislation was predicated would show that the great inquiry was, how would any proposed measure affect capital; the rents of land; the revenues of the wealthy classes; the credit of the stocks — not how it would affect the workingman or his comforts. The tendency there had been to benefit capital at the expense of labor, until it had made the capitalist an aristocrat, rolling in wealth, holding the labor of the country under his feet, by his monopoly over all the pursuits of industry, and the government of the country and the control of its policy in his hands, by the power of the loans which the profits of his capital arising from this legislation had enabled him to make to it. It had made the government a proud, splendid and powerful bankrupt, buried under a mountain of debt which it never hoped to pay; and it had made the workingman a starving beggar — a legalized pauper.

"Could a like policy and like measures fail to produce like results upon the laboring man of this country? They had pro-

duced them to an almost equal extent in France, Spain, Austria, and every other country where the monopolizing policy had controlled the legislation. In Great Britain they had been produced most perfectly, because there the policy had been adopted most extensively and pursued most rigidly; but everywhere the marked effect had been to separate capital and labor, and to place the latter entirely in the power of the former; and an invariable consequence had been to increase the profits of capital, and diminish the wages, the comforts and the independence of labor. Ireland afforded the most striking example of the extent to which the power and oppression of capital over labor could be carried. There, even the landlord was a permanent absentee, not simply from his estate, but from the country, and everything which would sell was carried away to extinguish his rents and swell his gains, while that which would not, remained to subsist an almost naked and almost starving tenantry, suffering under the oppressions of a merciless agent of their absentee landlord.

"He had letters, informing him that persons were now engaged, in various parts of the country, endeavoring to prejudice the minds of our honest Irish laborers against those who seek to modify the present tariff law, alleging that it is done to benefit British labor, at the expense of the labor of this country. Did they hope to convince these warm-hearted sons of oppression, who had fled from this system at home, that it would be a blessing to confer it upon them here? Are they to be made to believe that the British policy, which has brought the laborer in Great Britain to absolute starvation, is a policy which is to promote their happiness in this country? They will pay, as cheerfully as any portion of our population, such taxes as the support of the government may require, but their experience at home will not be likely to make them easily believe that taxation will bring them either comforts or independence.

"Still, it is said we require protection against the pauper labor of their country, and of other European countries. This was not the ground assumed at an earlier stage of this policy. Then it was that our manufacturers required protection against the increased cost of the raw materials for their manufacture in this country over that cost in the manufacturing countries of

Europe. He held in his hand the minutes of testimony taken before the Committee on Manufactures of the House of Representatives, during the session of Congress of 1827–28, and previous to the passage of the tariff law of 1828. The testimony to which he referred related to the manufacture of wool; and every witness who answered the interrogatory agreed in stating that wool could be manufactured as cheap in this country as in England, the manufacturer here having the wool and other materials at the same price.

"Mr. Wright here read the testimony of several witnesses, among which were the following:

"Col. James Shepherd, of Northampton, Massachusetts, witness, was asked the following question, and gave the following answer:

"'Q. Of an equal quality of wool, at present prices, in England and the United States, can the English manufacturer make a cheaper fabric than can be made in the United States? If so, how much cheaper?

"'A. The difference in the price of the fabric would be the difference of the price of the wool, in my opinion, as I think we can manufacture it as cheap as they can.'

"Mr. W. read the testimony of Abraham Marland, of Andover, Massachusetts; William W. Young, of Wilmington, Delaware; James Wolcott, Jr., of Southbridge, Massachusetts; and Joshua Clapp, of Boston, Massachusetts, to the same purport.

"He then read the testimony of Joshua W. Pierce, of Somersworth, New Hampshire, as follows:

"'Q. Without reference to the price of wool, can the fabric be manufactured as cheap in the United States as in England?

"'A. I think it can. All my information brings me to this conclusion; and one reason I would assign is, that we substitute a much larger share of the labor of females than they do in England, in the woolen manufacture.'

"He also read the testimony of Elenterre Irene Dupont, of New Castle county, Delaware, as follows:

"'Q. Without reference to the difference in the price of wool, can the fabric be manufactured as cheap in the United States as in England?

"'A. The woolen manufactory is not fairly established in this country, but I know no reason why we cannot manufacture as well and as cheap as they can in England, except the difference in the price of labor, for which, in my opinion, we are fully compensated by other advantages. Our difficulties are not the cost of manufacturing, but the great fluctuations in our home market, caused by the excessive and irregular foreign importations. The high prices we pay for labor are, in my opinion, beneficial to the American manufacturer, as for those wages he gets a much better selection of hands, and those capable of and willing to perform a much greater amount of labor in a given time. The American manufacturer, also, uses a larger share of labor-saving machinery than is used in the English manufactories, which very much diminishes the effect of the higher rate of wages upon the actual cost of our goods.'

"Here was the sworn testimony of practical manufacturers in 1828. They did not, then, suppose that they required protection against the 'pauper labor' of England. Whether time had changed their interests, in this respect, he was unable to say. He did not suppose it had materially, as he was not aware that the wages of labor had risen in this country, or fallen in England, so as to widen the disparity between the two countries, very essentially, since 1828.

"Whether these witnesses were, at the time, laboring under a mistake in judgment upon this point was another question, which he was not able to decide. He would confess that he had some doubts, when the testimony was given; and yet it satisfied him that the disparity, if any, must be much less than seemed to be generally supposed.

"Another remark was suggested here, from the answer of the last witness. Our cotton and woolen manufactures must now certainly be fully and firmly established; and he supposed the skill possessed in these branches must be as perfect, as to the qualities and kinds of goods manufactured, as that possessed by manufacturers elsewhere. In 1828, this was one of the principal grounds upon which protection was sought. It was contended that our manufacturers wanted time to establish their business, and acquire the skill necessary to compete with foreign establish-

ments. Had sufficient time to acccomplish these objects been allowed, that now the ground was changed upon which continued protection, beyond that which the collection of the revenue would afford, was still demanded? He supposed that must be so, and hence it was necessary to examine this new ground, and most especially as to its influence upon labor.

"If we are to adopt the prohibitory system to protect our manufacturing interests against the pauper labor of Europe, when is the ground for that protection to cease? Certainly not until one of two events can be brought about. It must continue either until pauper labor shall cease to exist in Europe, or until the system shall produce pauper labor here, which can compete, upon equal terms, with the pauper labor of other manufacturing countries. Who ever expects to see the time when there will not be pauper labor in England, and the other European countries? Certainly no one, while the present institutions and systems and policy of those governments continue. The first event, therefore, is not to take place, and thus relieve our manufacturers from their demands for protection against the pauper labor of Europe.

"How is it as to the second of these events? Will the prohibitory system, fully introduced and rigidly adhered to, reduce the labor of this country to a similar state of pauperism, and therefore of equal competition with the labor of Europe? It had been seen that such had been one of its fruits, in every country where it had been rigidly enforced. Suppose the system to be carried to the British extent in this country, and that a sufficient portion of our population be induced by it to resort to manufacturing and the mechanic arts to consume all our agricultural productions; can that portion of the population which continues in agricultural pursuits consume all the manufactured products of the portion engaged in that branch? Certainly not the one-half of them. As one man employed in agriculture can feed several engaged in other pursuits, so one man employed in manufactures can clothe several engaged in agriculture. What, then, is to become of the surplus of manufactures? Now, there is a surplus of agricultural productions, and that surplus is and must be exported, and hence those productions are beyond the reach of protection from our duties. So must the surplus of

manufactures, in the assumed case, be exported; and then will manufactures be beyond the reach of our protection, while the agricultural productions, being all consumed at home, will be brought within the reach of protection from our duties.

"Such is precisely the present condition of Great Britain, and her agricultural interests prove as ready to demand her legislative protection, and a monopoly of her home markets, as did her manufacturing interests, in their infancy, while the latter have passed beyond the reach of benefit from the policy, by having become her exporting interests.

"Suppose this revolution accomplished in our country, and that all our agricultural products are consumed at home, and all our exports are made to consist of our manufactured products, how would then be our manufacturing labor? It would be beyond the reach of protecting duties, because its products would have to be sold in the open markets of the world, and to meet the competition of the world, the pauper labor of Europe and all. No import duties of ours can enhance the value of their products, or give to them the monopoly of a market. They must meet competition, as the great mass of our agricultural productions now do, wherever a market can be found. Then, however, our agriculture, like that of England at the present time, will claim the protection within its reach, the exclusive possession of the markets of its own country. It will command and secure that protection, for it is, and will be, the commanding interest. It will here, as in other countries, draw the capital of the nation to itself, for the security of investment, when the control of the national policy shall enable that capital, thus invested, to dictate its own profits.

"When such a state of things shall have been produced by a prohibitory policy on the part of this government, what will measure the compensation to labor? and what, especially, to manufacturing labor? The manufacturer can make his calculation as well then as now. He can tell the cost of his materials, the interest upon his capital invested, the wear and tear of his machinery, and the promise of his market, as well under such a system as under the present; and, consequently, he will know as certainly what he can afford to pay for labor, and when his

interests will be better served by closing his factory than by employing laborers to run it. What will he do? Will he not pay such rates of wages for labor as he can afford to pay, or employ no laborers at all? Most certainly he will. What will be his movable item of cost in deciding the question whether he shall work his mills or suffer them to remain idle? Most certainly the wages of his labor. He cannot control the cost of the materials of his manufacture, or the cost of the provisions and other necessaries of the laborers he is to employ; and he will not abate the profits upon his capital; but he can and will control the wages of his labor.

"If, then, pauper labor in Europe meets him in the foreign market, he must and will have pauper labor at home to compete with it, or he will close his mills and employ no labor. And suppose he does that, what is this mass of unemployed manufacturing labor to do? Where is it to resort? Will agriculture take it up? Certainly not; because that will extend its productions beyond a supply for the home market, and destroy its monopoly and high prices, by compelling it to export.

"This is precisely the result of the experience of Great Britain, as before shown, and of all other countries which have pursued the monopolizing policy. The result in all has been dear bread and cheap labor; the prosperity of capital and the subjection of the masses; the triumph of the power of money over the moral and physical power of men. It must be so in this country, if ever the time should arrive that its manufacturing, rather than its agricultural, becomes its exporting interest. Then the laborer would be fettered and bound down to such fixed employment as capital should find it for its interest to give, and the wages of labor must, as in England now, be controlled by the prices at which the products of manufacture could be sold abroad. He would make a brief reference to testimony taken before a committee of the House of Commons of the British Parliament in 1842, to show the workings of the system upon the wages of labor there. The witness was a Mr. Joseph Walker, an extensive manufacturer, at Wolverhampton, England. Speaking of the duties upon the foreign iron used in their manufactories, and the effect of that duty upon the wages they are able to pay for labor,

he says, 'that difference must come out of the wages of labor here; for we actually export the goods that we make of foreign iron; and when we export them, we must sell them at the price the foreigner does.'

"'Q. You mean to say that that burden compels you to reduce the wages so as to enable you to compete with the foreigner?

"'A. It has the effect of reducing them the whole amount of the duty.'

"Again: speaking of duties upon articles of provisions, the witness says: 'Undoubtedly all the duties put upon the importation of food of all descriptions — on coffee, sugar, corn, and everything of that sort — are a direct disadvantage to the laboring man of England; because it is evident that the manufacturer must sell his goods at the price at which the foreigner sells his; and, in order to do that, he must reduce his wages to the workmen.' Again:

"'Q. Do the wages of the workmen at Wolverhampton rise and fall with the price of food, and other articles of necessity?

"'A. No; I think not. I do not think it operates The wages of labor depend upon the demand for the goods, not upon the price of the provisions. We witness, now, low wages and a high price of provisions; high prices of bread, meat and groceries.' Again:

"'Q. Unless the price of your manufactures was lower, how would you be better able to meet the foreign manufacturer than you now are?

"'A. We are now compelled to fall back upon a reduction of wages to meet the foreign manufacturers, because the cost of the raw material is the same to them and to us; and it is, therefore, the workmen who suffer. If we do not get 10*s.* for a piece of goods in a foreign market, and we are obliged to take 8*s.*, we must then either cease to send goods there, or fall back upon the wages to reduce it to 8*s.*'

"Here was the sworn testimony of an intelligent manufacturer of goods in England for an export market, and here his exposition of the influence upon the wages of labor, of the condition he had assumed when the productions of agriculture find consumers at home to their full extent, and when the manufacturing has become the exporting interest.

"He had said he did not wish to see the time when this country should cease to export the bread-stuffs and other articles of food. Here were his reasons. This witness had stated them from a practical experience. He did not wish to see the time when our duties would fall upon the hungry laborer, because he must have food; and this testimony showed that the capitalist would not let them fall upon him. If compelled to pay a duty upon his iron, he would deduct the amount from the wages of his laborer; and the laborer must work for such wages as he could get, or he could not eat his highly-taxed food. Such were his views of the unavoidable final fruits of the prohibitory system upon labor and the laboring man.

"So much had been said, in the course of this debate, about the present prosperity of the country, and the agency of the present tariff law in producing the prosperous change, that he felt compelled to offer a remark or two upon that subject. And, in the first place, it was his duty to inquire to what extent the country could now be said to be in a prosperous state. It was important to settle the fact, before it would become necessary to seek for the cause.

"The commercial exhibition, which he had presented for the year 1843, certainly did not furnish much ground for exultation, so far as that great interest was concerned. He was aware that trade was holding out a somewhat better promise for the present year; though nothing he had yet seen indicated very abundant importations for this year. He suspected that gentlemen had rather looked at the duties collected, under the present very high rates, than at the value of the importations; for they would remember, if the imports should rise up to what had been considered in former years a healthful and prosperous state of commerce, with the present very limited free list, the revenue collected must be enormous under the present rates of duty.

"How was it with agriculture? Was that interest prosperous? He could speak within his own limited acquaintance, and not beyond it. In the county of his residence, the beef and pork and butter and cheese of the farmer, during the last fall, which was the season for the sale of those productions, found one of the dullest markets which that section of the country had ever known,

and at prices at least from fifteen to twenty per cent reduced from the previous very low year. Such was the state of agricultural prosperity there, and he was informed and believed that all the northern and western counties of his State had met the same experience. Bread-stuffs, and especially wheat, he believed, did a little better last fall, and found ready markets at moderately fair prices.

"The manufacturers, it was said, had been doing a very lucrative business under this law, and he presumed that interest might be called prosperous; and he thought the prosperity derivable from this legislation must be limited mainly to that interest.

"He did believe that the law had exerted some influence in the restoration of the public credit, and the belief that it would, had operated strongly in inducing him to vote for it; but a much more moderate law, and one arranged upon fair revenue principles, while it would have had at least an equal effect in that direction, would have less embarrassed agriculture and commerce, and laid a more safe and healthful foundation for the lasting prosperity of our manufactures.

"In speaking of our prosperity, Senators seemed to forget our condition at the time the law passed. The evils of our bloated credit system had passed over the country, blighting everything like prosperity, and leaving only debt and distrust. Time had measurably restored confidence where it was deserved, and the sponge of the bankrupt law had wiped away the hopeless load of debt. In this condition, the country was as certain to rise into a state of prosperity, as the young and sound constitution, to recover health, after the seeds of the disease which has prostrated it have been eradicated. Here was the great and resistless cause of the moderate degree of prosperity which had yet appeared, and it would be scarcely in the power of bad legislation to prevent its onward progress, though it might, as he believed this law would, if not properly modified, materially retard it.

"Finally, he would ask, could a system of taxation be made a system of blessings to a whole people? Was it possible that a country could be taxed into prosperity and wealth and happiness? If the tax collector was benefited, must not the tax-payer feel

the burden? If one interest was positively promoted by the arrangement of the tax, must not some other one be burdened by it? It was a tax, and must be paid, and all, therefore, could not receive and none pay. Would Congress think of imposing taxes if revenue was not wanted? Would any one think of imposing high duties if there were no expenses of the government to provide for? He supposed not; and hence it seemed to him that the duties we do impose should be imposed to raise the means to meet those expenses, not to defeat revenue by prohibiting importations.

"Let him not be misunderstood. His argument was not between protection and no protection. It was between that degree of protection which is incident to revenue and consistent with it, and prohibition, destroying revenue, and conferring monopoly. He was willing to throw the whole mass of the revenue from customs — from $16,000,000 to $20,000,000 a year — between the domestic and foreign competing interests, for the protection of the former; but he was not willing to shut out competition, break up our commerce and destroy our revenue to favor any interest. He believed such a policy unequal and unjust; that it would unreasonably burden the exporting interests, and must finally fall with crushing weight upon the working man."

CHAPTER CXIII.

CONCLUSION OF MR. WRIGHT'S SERVICES IN THE UNITED STATES SENATE.

When he entered the United States Senate, Mr. WRIGHT'S political relations with Gen. Jackson and Mr. Van Buren were such that he readily took an active part in their defense, against all assailants. This he did with such promptness, energy and ability, that his position was one of immense labor. His reports and speeches form a large and interesting portion of the legislative history of Congress, and none were more widely circulated throughout the Union. He was soon placed at the head of the first committee of the Senate, which made him, in practice, the originator of administrative measures and the defender of the policy of those in power. The principles which he avowed on all such occasions were those which had guided his action in early life, and to which he adhered to the conclusion of his career. If we except Col. Benton, no one did more toward forming and guiding public opinion during his service in the Senate than Mr. WRIGHT. When the whig party secured the ascendancy, by the election of Harrison and Tyler, and that party had triumphant majorities in both Houses of Congress, his position was changed on the committees. From the highest, he was dropped to a lower one, and at the lowest place on it, and then given a subordinate position on one of the least important. Had the object been to annoy and mortify him, the course pursued was calculated to produce those results. Although thus deprived of the opportunity of being officially connected with the great measures of the day, he uttered no word

of complaint, but faithfully performed the new duties so singularly assigned to him. Nevertheless he volunteered his opinions and advice to the Senate on many of the great questions before it, while he attended to the less important duties assigned to him, making suggestions which were often more effective than studied speeches. This will satisfactorily account for what might otherwise seem a deficiency of effort, at the time, at debate in the Senate. His last great effort, on the 19th of April, 1844, is inferior to no previous one in ability, knowledge or patriotism, and is deemed by his friends as a masterpiece on the tariff question. The principles avowed stand the test of time and the most rigid scrutiny. It is one of the misfortunes of our tariff legislation that nothing is allowed to remain permanent. Political considerations and local selfishness produce perpetual change. Before the business of the country can adapt itself to a legalized system, it is changed. Mr. Wright was adverse to these continual changes.

On the 17th of June, 1844, the Senate adjourned *sine die*. He took leave of his brother Senators in the most cordial, kindly and affectionate manner, fully expecting to meet them again on the first Monday in December. But the fates ordered otherwise. His political party withdrew him from the Senate and transferred him to the chief magistracy of the State of New York, where he served two years, being the last public office he ever held. No man, since the days of Macon, left the Senate more universally esteemed, and none whose absence was more regretted. No one had ever more effectually won the respect and esteem of his associates. He had not a personal enemy in the Senate. He commanded universal respect and esteem. Even his colleague, Mr. Tallmadge, who had changed front after marching with him, shoulder to shoulder, for years, and had been with him in many hard-fought campaigns, professed, on all occasions, per-

sonal kindness and esteem. He was in the Senate a leader, not by assumption, but by common consent—was really compelled to lead. His opinions were never given as mandates to be obeyed, but they were sought by others as a guide. During our deepest difficulties since, the remark has been often repeated, "If we had a Silas Wright to lead us we would soon surmount all our difficulties. He was wise, pure, unselfish and patriotic." Such is his reputation this day in the Senate, and with the American people to whatever party they may belong. His great aim was to learn his duty, and, when learned, to perform it, without fear, according to the best of his ability.

The question has been asked, was he an orator? If glittering and flowery sentences, and glowing and highly painted descriptions, calculated deeply to affect the feelings of his auditors, are referred to in the question, then he was no orator. He did not address the feelings, nor seek a triumph through them. He always addressed himself to the understanding and to the reason and judgment of those who heard him. He sought not to win by reaching the fancy, or by the use of striking or fiery words or terms, or deep or dashing denunciation. He preferred a simple, clear statement of the facts of his case, and presenting logical conclusions, so connected, link by link, that error could not break or overthrow them. In this he had few equals and no superior. Those who listened attentively were involuntarily carried along with him, arriving at his conclusions.

The question why he was so popular and so strong in the Senate is easily answered. He treated all courteously, and like gentlemen. He did not impeach the motives of any one, nor assail others for any opinions they might hold or express, or vote they might give. In all respects he treated every one in the frank, kind, respectful and gentlemanly manner with which he desired to

be treated. Neither in Congress, in the State Legislature, or before the courts, could he be induced to discuss any question other than that really and rightfully raised and before him. Such discussions wound the feelings of no one. Departures from this wise, salutary and necessary rule, occasion the confusion, bitterness and unpleasant scenes in our legislative bodies, so fruitful of mischief and evil, both to individuals and the public service. By confining himself to the real issue under consideration, he was listened to with attention and commanded respect. In addressing the Senate he never manifested a desire to win admiration or to carry a point, but seemed only anxious to perform his duty and to present the true reasons for his opinions and actions, that his constituents might readily judge of his reasons for them. In no instance did he ever address the popular passions, or seek to win to himself the favor of the multitude. With him, in all discussions, self seemed to be wholly ignored, while the wishes of his constituents and the public good absorbed all his thoughts. He sought to perform his duty without a thought of how that might affect him with anybody. Not a speech, report or letter ever emanated from him designed to give him personal popularity. No such motive ever actuated him. He performed his duties as he understood them, whether pleasant or otherwise, and left the consequences to take care of themselves. Every Senator saw and felt this. They believed in the purity and honesty of his motives, and that he sought to perform his whole duty to his constituents and the country. Hence the respect and confidence that he enjoyed, both in the Senate and throughout the Union. This gave him a power and influence with the one and a confidence and esteem with the other, which has never been excelled, if it has been equaled. If his course had been dictated by a desire to secure the presidency, he never could have secured the

respect and confidence which were so universally accorded to him by men of all parties. He seemed to be most happy when performing his duty to his constituents and himself, whether that duty was painful or pleasant. He never left any duty unperformed, and was therefore a happy man.

Chapter CXIV.

Correspondence in 1844.

Mr. Wright to John L. Russell.

Extract from a letter addressed from Washington, 20th March, 1844, to John L. Russell, Esq.:

"I shall send you, in a few days, the Tariff Report of the Committee of Ways and Means of the House, and want you to read it, and the documents appended to it, carefully, and especially Table C, as I think these documents take the ground upon which we can and should stand upon that great subject.

"SILAS WRIGHT."

Mr. Wright to John L. Russell.

"Senate Chamber,
"Washington, 15*th May*, 1844.

"My Dear Sir. — I have been trying for some time to find leisure to write to you a long letter, but that has not yet come, and I can see no prospect that it will come, and hence I write a private note in my seat.

"Anarchy emphatically prevails here, in a political sense, and I dare not predict what two weeks may bring forth. I now truly consider it doubtful whether Mr. Van Buren will get the nomination, though I must hope and believe he will. If you have looked at the Globe for the last two weeks, you will be prepared for such a communication as this, as to the state of things here. You have no idea of the extent to which Capt. Tyler, by his offices, has been able to corrupt the members of the present House of Representatives. I have never seen a weaker House, and since its first organization there has not been any harmony, or any order, among the republican members. The negro rule first, the tariff next, and the Texas issue finally, have kept up

distraction and bickerings. Then every man, speaking comparatively, has been dipping in for little post-offices and other offices, and tacitly yielding his principles and his party for the little plunder for select friends, who he has supposed would help to re-elect himself. Of our own delegation, there are enough of these, and yet our number is small compared to others, and especially in the west and south-west.

"Upon a state of things thus superinduced, bad enough and extensive enough to destroy any party, comes Mr. Calhoun to the State department; the Texas treaty is made upon a record which is sure to destroy any man from a free State who will go for it, and there explodes a perfect conspiracy to unsettle and overthrow the whole south by that feverish issue, while the patronage mischiefs are joined to it, and the whole now moves together with fearful power.

"But I cannot give you particulars, nor, indeed, can I say more. There are a few faithful and true men here, and we do what we can. Delegates are coming in, and when they reach here the most of them are sound and right, but heaven and earth are moved to frighten, to corrupt, to deceive, to prostitute them; and if they be not stern men they are in danger.

"One thing is certain: no man but Mr. Van Buren can begin to be elected, and if he be not nominated, our party is disbanded, and we cannot even make a fight. That will be the result, but we should not say it in advance, and, beyond Luman [his brother-in-law], you should not show this hasty and imperfect note. Do not let our county be thrown into a panic. We have great interests to save, if the nation is to be thrown away; and they will be more important if we are to be driven to stand upon our own resources against a high federal administration here. Mr. Calhoun's plain object is to rule or ruin, and, as he surrenders the Union, he intends, by the shape of the Texas question, to divide it. This is my firm belief, and fools and rogues here are aiding him, some not knowing and others not caring for consequences. * * * You must remember that in two weeks after you get this you will know the fate of our good party; and if destruction must come upon it, let it come from Baltimore, not from me. If, after all the mischiefs which have been perpetrated,

the convention shall act firmly and nominate Mr. Van Buren, and Mr. Calhoun do not get up a third candidate, we will yet whip Clay.

"Most truly yours,

"SILAS WRIGHT

"John L. Russell, Esq."

Mr. Wright to John L. Russell.

"My Dear Russell. — Your note of the seventeenth came this morning, and I have sent the deposition inclosed, by a messenger, to Col. Sylvester. I have not a moment to write to you, but you must permit me to say that my conscience has smitten me ever since I replied hastily to your gloomy letter. I am sure I must have said things which will appear unkind, and such things I never should say to you.

"I have been so long in the midst of the rankest, foulest treason, as well as every form of falsehood, treachery and deceit, that my very nature almost has become soured; and knowing it will not do for me to abuse those who deserve it, I fear I often abuse those who I know do not. Pray forget that letter, as I trust you have destroyed it, and pardon me for anything which was unjust, or seemed unkind in it.

"We are in a dilemma, as a party, and defeat appears to me to be unavoidable in any event. There will be three candidates, though who will be the third is not yet certain. The probability is Tyler; nominated by his own convention, and rumor now says, Woodbury is to be his vice-president.

"The true men in the convention have no resort but to adhere to Mr. Van Buren, or destroy our party. If you could see my letters daily, and read the indignant voice and feeling of the true men, coming from all quarters of the country, you would see that to abandon him is to abandon principle and honor and character, and to throw off the heart and soul, and bone and sinew of the party, and to surrender to rotten rogues, under whom success would be our worst defeat. Still, the result of the doings of the convention is by no means certain. We shall soon know, and I shall be thankful when the moment comes, be the result what it

may, and kingdoms would not tempt me to endure such another three months.

"Most truly yours,

"SILAS WRIGHT.

"Washington, 22*d May*, 1844.

"John L. Russell, Esq."

Mr. Wright to John L. Russell.

"Washington, 17*th June*, 1844.

"My Dear Sir. — I have already written to Mr. Gillet, and my brother-in-law, Luman Moody, advising them that it would not be possible for me to be at home to attend the meeting of the republicans of our county at our place on the twenty-fifth instant.

"Mr. King favored me with the perusal last evening of a late letter from you, which induces me to write this hasty note to you this morning, as I perceive that the grounds upon which I declined the nomination of Vice-President are not understood by you, and some of our republicans about you. The considerations which principally governed my action were two, viz. :

"1. That Mr. Van Buren was set aside as a candidate upon the ground of the opinions expressed by him in his Texas letter; and as I entertained opinions no more favorable to the annexation of Texas immediately than he expressed in that letter, and as I had made up my mind that I could not vote for the treaty before the Senate, I was bound to suppose that my name upon the ticket would be as objectionable, and even more so, upon this ground, than his.

"2. As the democracy of our State had, with almost entire unanimity, presented Mr. Van Buren as their candidate before the convention, I could not consent to be placed in a position where it might appear that I had assented to setting him aside to obtain a lesser office for myself. This inference would have been almost irresistible, if my name had been retained, with a knowledge of my opinions and course upon the Texas question.

"I rejoice to be able to say that almost every letter I have received from our republicans at home has approved of my course,

and all the reflection I have been able to bestow upon the subject myself has confirmed my first impressions.

"It is a very great mistake, however, to suppose that any offense taken by me, because Mr. Van Buren was not nominated, had any influence upon my mind or feelings in forming the conclusion upon which I acted. That I felt deep disappointment and regret, is most true; but my strong and almost painful concern for the success for the democratic party, and its dearly cherished principles, so far from being diminished by the change of the party nomination from what I had hoped and expected that nomination would be, was greatly increased; and my long acquaintance with Gov. Polk and with the uprightness of his course, and the soundness of his principles as a public man, and the purity of his private life, rendered his selection most acceptable to me. Mr. Van Buren aside, I do not know of any nomination within the power of the convention which would, in my judgment, have been more wise or fortunate.

"The selection of Mr. Dallas appeared to me also to be a wise one. I have known him for many years, and know him to be a man of decided talent and of an exemplary life. There was a time when he and myself differed upon the question of a national bank; but I have ever believed his public course in favor of a recharter of the late Bank of the United States arose more from what he believed to be the decided public opinion of the people of his State, than from any attachment entertained by himself for such an institution. Still, whether I have been right or wrong in this impression, his present opinions, as abundantly declared by himself, upon this great cardinal queston, are sound and unexceptionable.

"If the democracy of the Union be wise, be just to their principles and faithful to themselves, Polk and Dallas will be elected.

"Sincerely yours,

"SILAS WRIGHT.

"John L. Russell, Esq."

Mr. Wright to Cave Johnson.

"Canton, *5th August*, 1844.

"My Dear Sir. — Your most acceptable letter of the eighteenth ultimo came to me this morning. It would afford me the extremest pleasure to be able to attend your meeting on the fifteenth, but I was compelled to surrender every hope of that sort, even before I reached my home. I shall not be at liberty to leave the State until after the election, and if I possessed the power of ubiquity, and had a hundred tongues, I could not do all that is demanded of me.

"I have written to your committee, some three weeks since, and suppose they are in the receipt of my note before this time. I inclosed it to Major Donaldson, in a short note to him, and, within a day or two, I have replied to an invitation of Mr. J. M. Bass, a son-in-law of our lamented friend Grundy, inviting me to stay with them, under the impression that I was to attend the meeting.

"My only idea of attending your meeting grew out of apprehensions, which you know I entertained when we parted, and as I have become satisfied that the call under which the meeting is to be held proceeded from different motives from those I mentioned to you, and that it was in good hands, was well intended, and would be well and safely conducted, the object for attending, except for personal gratification, was substantially superseded.

"Still, I do not think I could have obtained the consent of our democracy that I should leave the State, under any circumstances, and I dare not urge to them my personal desire to visit your country and again take by the hand Gen. Jackson, and again meet our friend Polk, although these objects would richly compensate me for the time and labor and expense of the journey.

"I rejoice to be able to tell you that, so far as I can learn, everything in relation to the national canvass looks well with us. I have never known a more aroused feeling among our democracy, or a stronger determination to succeed. We have some trouble about our State affairs, which threaten to disturb our harmony, but I hope and believe we shall be able to settle them satisfactorily to all. Indeed, my confidence is in the spirit of

our democracy, which, I think, will look down everything of a personal character calculated to disturb our harmony or endanger our success, either in the State or the nation.

"The effect of the national nominations upon our democracy has been precisely what I hoped and expected it would be. The burning indignation felt is directed upon those who intrigued to produce it, and as our candidates are not implicated, it increases the determination to carry the ticket. Had I remained upon the ticket, it would have been suspected and condemned because of the apparent contradiction between the reason assigned for setting aside Mr. Van Buren and the act of making me a candidate.

"I am not surprised to hear you say that the Texas question is not to have the influence upon your voters which your correspondents represented. I never, for a moment, supposed the panic felt at Washington had any real existence with the people to the extent then represented. Yet I rejoice to hear you say you think you will carry Tennessee. I cannot think there is a reasonable doubt as to this State, unless something hereafter shall come up to change the current of public feeling.

"I do not expect this can reach you before your meeting, but as I have a few moments of leisure, I improve them to acknowledge your letter and to give you our prospects.

"In much haste, I am most respectfully and truly yours,

"SILAS WRIGHT.

"Hon. Cave Johnson."

CHAPTER CXV.

MR. WRIGHT AND THE NOMINATION FOR THE VICE-PRESIDENCY.

The democratic national convention which assembled at Baltimore, May 14th, 1844, failed to redeem the express or implied pledges of a large majority of its members, or to conform to the wishes of a majority of their constituents. Prior to manipulation of individual members, on their advent at Washington, on their way to Baltimore, a large majority were known to desire the nomination of Mr. Van Buren for the presidency. Washington maneuvering reduced his majority below two-thirds, which caused his defeat in the convention. Personal hostility on the part of a Senator who had purchased the furniture of the house occupied by Mr. Van Buren, while Vice-President, which dunning did not induce him to pay, contributed to diminish his vote in the convention. The leading design was to defeat Mr. Van Buren and present to the electors the name of Lewis Cass, whom Gen. Jackson had sent, and Mr. Van Buren continued, Minister to France. Mr. Polk was not a party to the effort to defeat Mr. Van Buren. His friends only sought his nomination for the vice-presidency. After the seventh ballot, there being no reasonable hope of the nomination of either Mr. Van Buren or Mr. Cass, the name of the former was withdrawn, and, on Virginia declaring for Mr. Polk, the name of the latter was also withdrawn, and Mr. Polk was thereupon unanimously nominated for the presidency. The opposition to Mr. Van Buren was professedly grounded upon questions of principle. In a letter to Mr. Hammet, of Alabama, he had presented his views in relation to the annexation of Texas adversely to those

of Mr. Calhoun and his friends, who had urged its acquisition on the ground, among other things, that it would extend the area of slavery. Mr. Van Buren insisted that it would be unjust to Mexico, while she was still struggling to retain her revolting province, to throw the weight of our influence and power against her, and that such a proceeding on our part would be considered, in the eyes of the world, as just cause of war, and might result in a collision of arms. Those members of the convention who had been mainly instrumental in defeating Mr. Van Buren's nomination became alarmed, for fear that the friends of Mr. Van Buren at the north, and especially in New York, might resent the treachery of some and the indefensible hostility of others, by which an able and faithful democrat, who had recently suffered defeat for a firm adherence and persistency in the principles of his party, had been defeated by the enemies of those principles. To guard against their imaginary fears, those who had been most severe and bitter in their hostility to Mr. Van Buren became the actors in bringing forward Mr. WRIGHT, his trusted friend, and whom, in a letter to Mr. Butler, of New York, he had desired to be presented as a candidate for the presidency when circumstances should render the withdrawal of his own name proper and nominating him for the vice-presidency. Robert J. Walker, a Senator from Mississippi and delegate in the convention, the author of an urgent appeal in favor of the annexation of Texas, and the head and front of the opposition in the convention to Mr. Van Buren, openly nominated him for that office, accompanying his motion with a stirring speech, strongly and forcibly presenting his great and conceded merits. A reporter of the proceedings says: "Mr. Walker took the floor, and, after a few remarks on the happy consummation of the morning's session, nominated the Hon. SILAS WRIGHT as a candidate for the vice-presidency, express-

ing the hope that it might be done by acclamation. Mr. W. pronounced a high eulogium on the moral and political character of Silas Wright, declaring him to be the Nestor of the Union, of the most pure and disinterested character.

"Mr. Dromgoole, of Virginia, rose, as the organ of the delegation of that State, to second the nomination of Silas Wright. He addressed the convention at great length on political topics generally, eulogizing the character of Silas Wright, as one of the most pure and patriotic statesmen in the Union.

"The convention then proceeded to ballot for Vice-President, when the whole vote was cast for Silas Wright, with the exception of eight votes from the State of Georgia."

This result was communicated to him by Hon. John Fine, a delegate from Mr. Wright's district, through the telegraph, who received an answer, through the same channel of communication, saying he would not accept. In reply to a second despatch, he responded, saying, "No; under no circumstances." By mail he sent the following letter:

"Washington, 29*th May*, 1844.

"My Dear Sir. — Being advised that the convention of which you are a member has conferred upon me the unmerited honor of nominating me as a candidate for the office of Vice-President, will you, if this information be correct, present my profound thanks to the convention for this mark of confidence and favor; and say for me that circumstances, which I do not think it necessary to detail to it, which I very briefly hint to you [in another, a private letter to Mr. Butler], render it impossible that I should, consistently with my sense of public duty and private obligations, accept this nomination.

"I am with great respect,

"Your obedient servant,

"SILAS WRIGHT.

"Hon. B. F. Butler."

At the time of making this nomination it was known by every member of the convention and throughout the country that Mr. Wright and Mr. Van Buren perfectly harmonized in their political opinions on all subjects. It was a part of the history of the proceedings of the Senate of the United States, that Mr. Wright had been the organ of Mr. Van Buren's views on the subjects before it, and had presented his prominent measures, like the constitutional or independent treasury, and the Senate and country looked to him as the exponent of his views and the defender of his measures and policy. He had openly approved Mr. Van Buren's letter to Mr. Hammet, against the annexation of Texas and had been the organ of its communication to that gentleman. He subsequently voted against the Texas treaty, at the then continuing session of Congress, which received the vote of Mr. Walker and only fifteen others, while there were thirty-five votes against it.

The proceedings of this convention present some remarkable facts and complications, producing singular results. Mr. Van Buren's nomination for the presidency was defeated by southern democrats upon the assumed ground that he was unsound in political principle, and especially upon the Texas annexation question, when at the same time the same men brought forward and supported, and seconded the nomination of Mr. Wright for the vice-presidency, he being publicly known to hold the same opinions as Mr. Van Buren upon all the questions involved —including that of annexation. The assumed objection against Mr. Van Buren was utterly disregarded in case of Mr. Wright. If the avowed objections against Mr. Van Buren were those really controlling the action of those who withheld from him their votes, why were the same objections overlooked and not applied to Mr. Wright? The case of Mr. Tyler, where a Vice-President had succeeded to the presidency on the death of the Presi-

dent, and the confusion growing out of a want of harmony in political principles, were present and before the convention. The same thing might occur again, as it did soon after on the death of Gen. Taylor. It is one of the most remarkable things among the wonders of political action, that consistent politicians should reject one man for avowed opinions, and should select another, for the next highest position in the government, whom they knew to be devoted to the same identical opinions, and a firm supporter of the man who entertained them and was rejected on that account. It must be true that the real motives for the rejection of Mr. Van Buren were not those openly avowed, or that the authors of that injustice suddenly closed their eyes to them, and sought, by selecting and nominating, for the second office, his ablest and most devoted and confidential champion, to soothe him and his friends for the violent injustice done him, and to excite and arouse them to the greatest possible extent to diminish the mortification of a defeat. The voters in this drama expected to drown the hoarse notes of deep dissatisfaction by the vigorous shouts of joy by the multitude of his admirers, for tendering Mr. Wright the democratic nomination for the second office within the gift of the American people, with cheering promise of success. But this act of self-accusation was wholly unnecessary, as well as useless. Mr. Van Buren's friends had gone into the convention in good faith, fully prepared to abide by its action whether it conformed to their wishes or not. Failing to secure such action as their views of duty demanded, they participated in bringing forward and nominating Mr. Polk, whose career in Congress they had admired. He had been the stanch friend of Mr. Van Buren, and an able supporter of his policy, while he was President. The New York delegation in the convention were among the first to announce their intention to go for Mr. Polk, and Hon. Cave John-

son had publicly announced that he "was a warm friend of Mr. Van Buren." Mr. Van Buren's friends were quite as zealous and anxious for his nomination as any of them who had contributed to the defeat of their favorite. No such step as the one taken was needed to secure to Mr. Polk every democratic vote that Mr. Van Buren and his friends could control. They announced their determination at the time, and carried it out, in perfect good faith, at the election in November.

Shortly after, Mr. Wright attended a mass meeting of the democracy at Castle Garden, in the city of New York, at which Benjamin F. Butler presided. In the course of his remarks he alluded to the proceedings of the Baltimore convention, and his nomination for the vice-presidency, and his refusal to accept, and assigned the following reasons for his doing so:

"With respect to the nomination for the second office in the government, which was tendered to me in a manner so generous, so magnanimous, as to be entitled to my everlasting thanks and feelings of gratitude, I felt, and have attempted to express to that body, as I now do to you — yet I felt myself no more at liberty to accept that honor than the former, had it been offered; and an additional reason, peculiarly strong, interposed itself without our agency. It was a new question. I refer to the annexation of Texas to the United States. Mr. Van Buren had, upon the call of a delegate to that convention, addressed to the public a letter, giving his opinions on that question. That letter was not acceptable to a large portion of the democracy in one section of the country. The opinions he entertained constituted one, and a principle one, of the objections to his nomination. Upon the most mature consideration of the subject, with all the information I did possess or was able to collect, I was compelled to approve his letter in my judgment. At the time of the sitting of the convention I had made up my mind; I had no instructions from you, or from those I represented. Our State had never acted upon that question. I was left to form my own judgment of its merits. That judgment was, that I could not

vote for the treaty then presented to the Senate. That vote was soon to be given. It could not have been known to the convention, and it would have been unfair on my part to accept a nomination when I believed that act would meet the disapprobation of at least a large number of that body. Promptly, then, I declined the nomination on that ground. Another point influenced me strongly, and I mention it because I fear I may be subjected to the accusation that a *miff* of feeling influenced me because my favorite candidate had not been selected. If I know myself, no such feeling was present with me at any moment. But I did not feel that when you and the great body of the State had expressed and sent up to that respectable body, representing the democracy of the whole country, a preference for a candidate for the first office, and when that candidate had not been selected, I did not feel that I had a right to assume, either that I was your choice for the second office in the people's gift or that I had a right to designate the man.

"I felt further — and if I erred, you certainly ought to know it, and I certainly stand responsible for the error — I feared that we might be charged as having required the second nomination to conciliate us to the support of the first, differing as it did from that which we proposed. And never, no, never, fellow-citizens, could I consent to be subjected to such a suspicion, much less could I subject your patriotism and attachment to the democratic cause and its principles to such imputations. I desired to leave you free, knowing, or at least acting under the impression, that my democratic brethren throughout the State would honorably and ardently redeem the pledge they had made that they would support the nominations of the convention. I desired that your support should be given in that frank and manly and honest manner, and not from the assumed fact that an humble fellow-citizen of yours had been placed upon the ticket. And now I feel assured it will be so, and that Polk and Dallas will receive as cordial a support as would Mr. Van Buren, or any other man in the country."

It would be a broad error to suppose that these were all the reasons for Mr. Wright's not allowing his name

to be used. His friendships were ardent and unselfish, and he was ever alert to guard against suspicions of their fidelity. He was the avowed and conceded friend of Mr. Van Buren, devoted to him in adversity as faithfully as in his highest prosperity. When it was announced in Washington that he was nominated for the vice-presidency, and before he had sent his refusal to accept, it came to his knowledge that one of the unsuccessful candidates for the superior nomination had made this ungracious and accusatory remark: "Yes, just as I expected; he has consented to the sacrifice of Mr. Van Buren, to secure the second place on the ticket." Mr. Wright truly feared that his acceptance might be misconstrued by some friends of Mr. Van Buren and his fidelity to his cherished friend become a matter of suspicion, if not of actual doubt. If he had really desired the position, the fact of questions concerning his motives would have caused him to decline.

One of his highest aims was to carry out the wishes of the democracy of his State with unflinching fidelity, without regard to his personal interests or wishes. They had, the year before, re-elected him to the Senate of the United States for six years. They felt a just pride in continuing him in that position. They expected and desired that he should occupy it. They had not thought of recalling or transferring him. He had impliedly, in his acceptance, agreed to conform to their wishes and continue to serve them. The Baltimore convention had no power to release him from his obligations to those who had continued him as Senator. He felt bound, in honor, to continue to serve the democracy of the State until released by them from his implied obligation. It was a question of good faith with him, which he would not disregard.

Mr. Wright had a strong personal dislike to the position of presiding officer over a deliberative body.

The forms, ceremonies and details had no charms for him. They were to be solved by dry study, and drafts upon memory and the authority of precedents. He had no relish for dry or arbitrary routine. The most gigantic mental powers are of little service in applying them. The most intimate knowledge of the affairs of the government, and the greatest logical powers, avail but little in such positions. The attitude of a mere spectator during the progress of an exciting and important debate in the Senate could have no charms for a trained intellect like Mr. Wright's. A presiding officer in the Senate originates no business; can give no opinion, except when about to turn the scale in cases where the yeas and nays are equal. Such a position was unsuited to Mr. Wright, and, if nothing else had been in the way, it is doubtful if he would have consented to accept it.

These several suggestions could not have been properly made to the public by Mr. Wright, though to the Author they were more than once communicated in his usual frank and unreserved manner.

Had Mr. Wright accepted this nomination for the vice-presidency, he doubtless would have been elected, as his name must have strengthened the ticket which did succeed. Hence, it may be fairly said that he declined the vice-presidency when within his reach.

CHAPTER CXVI.

THE PRESIDENCY.

The remark is common down to this day, after the lapse of a quarter of a century, "Had SILAS WRIGHT lived, he would have been President of the United States." It is a matter of history that, for many years before his death, public attention was directed to him as a suitable man for that office, and especially after the defeat of Mr. Van Buren in 1840. On his election to the Senate of the United States on the 4th of January, 1833, he attracted the attention and commanded the respect and confidence of the democracy of the whole Union. His easy, affable and cordial manners, his freedom from pomp and show, his sincerity, honesty, his superior mental powers and devotion to democratic principles, won him hosts of admirers and friends.

On the retirement of Gen. Jackson, the death of Mr. Grundy and the defeat of Mr. Van Buren, the democracy of the nation turned their attention to him, and he was recognized as the foremost man in his party. But through Mr. WRIGHT'S devotion to him, Mr. Van Buren was treated as standard-bearer down to his defeat in the Baltimore convention in 1844. From that day until his death, on the 27th of August, 1847, the attention of nearly the whole democratic party, north, south, east and west, was fixed upon him as the democratic candidate for the presidency in 1848. Texas, having been admitted into the Union, was no longer a stumbling-block in the way of unanimity in the democratic party. But the Great Disposer of Events removed him from his devoted friends and beyond the reach of political parties.

Some accused him, however, of laboring to secure that office, while many will wish to know his real motives, and in what light he viewed that high position. That he might have been nominated for it, at Baltimore, in 1844, has seldom been questioned.

The deep sagacity and keen observation of Mr. Van Buren had awakened strong doubts in the mind of the latter as to his own success in the convention. Influenced by these doubts, he wrote to his confidential friend, Benjamin F. Butler, who was a member of it, authorizing the withdrawal of his name when hope of success should disappear, and urged his friends to unite upon Mr. Wright for the presidency. This communication was not presented to the convention, on the withdrawal of Mr. Van Buren's name, in consequence of a letter from Mr. Wright to the delegate from his own district. Had his name then been presented, under the auspices of Mr. Van Buren, and thereby securing him the vote of his friends, it was then and is now believed that he would have been nominated, and, if so, doubtlessly elected. The course of the anti-Van Buren men, in bringing him forward and securing his all but unanimous nomination for Vice-President, greatly strengthens this opinion. But he purposely defeated his own nomination by writing the following letter :

"Washington, *May* 23, 1844.

"Hon. John Fine :

"My Dear Sir. — As I know you intend to leave the city to-day or to-morrow, to attend to your responsible duties as a delegate to the Baltimore convention, and as you are a delegate from the congressional district in which I reside, and are as well my representative in the convention as my neighbor and personal friend, I beg leave to trouble you with this note. You will, doubtless, think and feel that I am performing a work of supererogation, as I do myself; and yet, in the present unsettled state of the democratic mind, in relation to the doings of the convention,

I do not feel at liberty to omit any act which may protect me from being made the instrument, however honestly and innocently, of further distractions.

"Within the last few days, several too-partial friends have suggested to me the idea that, by possibility, in case the opposition to the nomination of Mr. Van Buren should be found irreconcilable, a compromise might be made by dropping him and using my name. I need not say to you that a consent, on my part, to any such proceeding, would justly forfeit my standing with the democracy of our State, and cause my faith and fidelity to my party to be suspected everywhere. Personal objections are not made against Mr. Van Buren in any quarter; and if his known political principles and opinions are to set him aside as the republican candidate for President, the same objections would make me ineligible, so far as my principles and opinions are known; and I am not yet prepared to believe that the democratic party of the Union will give a more ardent and enthusiastic support to a candidate upon its ticket for that high office whose principles are unknown to them, than to one known to cherish, at every hazard, principles in precise accordance with its own. If that be the present disposition of the party, or of its representatives in the Baltimore convention, I cannot consent to make myself, humble as is my position in that great party, the instrument to withdraw such a canvass.

"The republicans of New York, with a unanimity never surpassed, have made it the duty of yourself and your colleagues in the convention to present for its acceptance the name of Mr. Van Buren, as their choice from among themselves, and they have given to you no direction to withdraw his name and substitute any other. If he is not acceptable to the convention, they have no candidate before it, by any expression or act of theirs. It is not the high office for a citizen of the State which they seek, regardless of the hands in which it is to be placed. If, by the consent and concurrence of the democracy of the Union, the high trust can be reposed in his hands, they will feel that their principles and their country are safe, and that their cherished State is honored, highly, generously honored; but if the democracy, as represented in the convention, cannot concede

to this their expressed wish, they have no candidate, and their delegates are left, like others, to make a selection from such other names as shall come before them.

"These are my views of your position and of your duties, and to consent to the use of my name as a candidate, under any circumstances, would be, in my view, to invite you to compromise the expressed wishes and instructions of your constituents for my personal advancement. I can never consent to place myself in a position where the suspicion of acting from such a motive can justly attach to me, much less to be a party to such action. I can never consent to place you and your colleagues in a position seeming to invite misrepresentation, on your part, of those to whom you owe your responsible trusts, and to whom I owe all that I am, and all I have as a public man.

"I know well, my dear sir, that I could not present a temptation to you or your respected colleagues which would induce a man of you to swerve from your fidelity to your constituents, and your high duty to our great party and our common country; but I desire you, as my immediate representative in the convention, should have in your possession the evidence that I cannot be made the instrument of any embarrassment upon you.

"If it were proper, I could tell you, with the most perfect truth, that I have never been vain enough to dream of the office of President in connection with my own name; and were not Mr. Van Buren the candidate of our State, I should find just as little difficulty as I now do in telling you that I am not, and cannot, under any circumstances, be a candidate before your convention for that office. It is wholly unnecessary, however, to speak of a state of things which does not exist, and you will, therefore, be pleased to apply this remark to that which does.

"I do not anticipate any occurrence which will call upon you to use this letter, and I certainly do not wish to have it used in any other contingency, because I should regret very much to seem to assume that I have been, am, or may be a candidate by my own agency. Still, it is submitted to your discretion, to be used in case any effort shall be made, during the sitting of the convention, to connect my name with the office, in a manner

which shall appear to you to call for this unconditional interdict from me.

"In great haste, I am most truly yours,

"SILAS WRIGHT."

The Author is not at liberty to doubt that Mr. Wright at no time desired to be elevated to the presidency. He had no taste for the forms and ceremonies and attractive splendor of high official life, much preferring the simple manners and heartfelt cordiality of social intercourse with his much loved honest neighbors in St. Lawrence county. He was no man's inferior, and in any place would command much attention and justly secure respect and high admiration. His colloquial powers were very great, and he could deeply interest all, from the highest to the lowest, and win their respect and esteem. Still, stately formalities and the cold etiquette of court circles had no charms for him. He never had a wish to attract and secure those attentions which the conventionalisms of society render so dear to many. To mingle in such society was ever a tax upon him, instead of a high and exquisite pleasure.

He recoiled from the thought of ever dispensing the enormous patronage of the federal government, which must largely be done blindly, or hesitatingly, upon recommendations not always reliable and sometimes deceptive. Although a superior judge of men, he had no taste for investigating and settling controversies among friends, giving one a preference over another. He loved good government; but believed that no President could always secure it by any vigilance he could exercise. The mere business of the office, incident to the discharge of its duties, aside from its patronage and forms and ceremonies, would not probably have deterred him from its acceptance, as he loved labor and regular business. The evidence that he did not desire to be President does not rest wholly from the Author's recollection of conversations upon that

subject, as the following letter will authoritatively and conclusively prove:

Mr. Wright to Mr. Gillet.*

"Washington, 16*th February*, 1842.

"My Dear Sir. — Your late letter was duly received, carefully read and instantly burned. I have been and am now much embarrassed how to answer you, because I know well you expressed certainly what you wished, if not what you deliberately believe. Upon several former occasions I have noticed indications in your letters which seemed to have the direction expressly given to the last; but I have not noticed them, because I thought them random intimations upon which you had not bestowed reflection. Your last letter does not leave me at liberty to pass it thus lightly.

"As to myself, therefore, to dispose of the delicate point first — still you wish the most perfect frankness and candor — if I entertained a single idea that I should ever be, not the President of the United States, but a candidate for that high office, it would make me more unhappy than I have ever been in relation to my political fortunes. When my present term in the Senate ends it will make my period of uninterrupted and almost exclusive public service very close upon twenty years. I have served to the best of my judgment and ability; and very few men ever, anywhere and under any circumstances, have been blessed with such faithful friends, or experienced from them such constant and unyielding support.

"If I was ambitious of honors, I have had heaped upon me more than I could have desired; if emolument, I have had more than my share; if reputation, I have thus been enabled to acquire more than I dare promise to retain. It is, therefore, the sincere wish of my heart to retire and accustom myself to a quiet and peaceful life, before age and habits and tastes unfit me for either. Hence I witnessed, upon a former occasion, efforts to oust me of the place I hold without a single feeling of regret on my own account; and I have recently seen movements from the same

* The author.

arters, and having the same ulterior object, without a motion
the pulse like anxiety. Now, I console myself with the con-
ent belief that, if these busy-bodies could produce a state of
ngs which would make it best for our friends not to run me
in, while they would thus accomplish what I earnestly wish
o myself, it would be in my power, being out of the question,
terially to help to make sure that my successor should be such
an as he ought, and not such a man as they would wish.

Of these things I say nothing, because I should not say any-
ng; and while it is my design to urge our friends, as strongly
have a right, not to ask me to run again for the Senate, I do
deny or disguise my belief, that such is my indebtedness to
n as to place me to a great extent in their hands upon that
ect, and to render it my duty to submit to their decision, if
not bring them to yield to my wish. I speak of things as
now seem to me to be in the State, but without pretending
e able to foresee what may be a year from this time. If I
d to do so, I should make known these feelings to our friends
lbany now; but I dare not, for two reasons: 1st. Because I
I should be suspected of designing to be a candidate for the
of Governor, a place which I not only do not seek but
not take if offered to me. 2d. Because I fear the conse-
e might be to raise competitors for the place, so as to add
r troubles at our next State election. If I mistake upon
points, and vanity seems to lead to the error, I cannot help
tell you the truth, and the frankness of your letter entitles
o that.

ll remains quiet here, as to a candidate for the presidency,
en I last wrote to you, but I understand much is doing at
ance. Blair told me to-day that the friends of Col. Dick
ohnson] were pressing him to fill his paper with the pro-
gs of meetings, etc., and rumor says the friends of Mr.
nan are quite active in some sections. The Colonel stands
ldly for Mr. Van Buren, as he commenced. I must confess,
hing I see and hear induces the belief that, in the end, he
e the candidate by a very harmonious voice of the party.
ime may change these appearances, and I may be mistaken
he character of the evidences upon which that is now the

probability. He starts next week for Tennessee, to visit Gen. Jackson, and, I presume, a noise will soon be raised about his traveling, and I fear some of our good friends here may be disturbed by it.

"The plot thickens here, and it is now entirely apparent that Clay is rallying again almost all the whig members of both Houses, and that he is just about to open a war upon 'Capt. Tyler,' which is only to end in unconditional submission on his part, or utter extermination, as far as the former can effect that.

"The negro is waiting and I must close, desiring the best respects of Mrs. W. and myself to Mrs. G. and the boy.

"In great haste, most truly yours,

"SILAS WRIGHT, Jr.

"Hon. Ransom H. Gillet."

The circumstances under which this letter was written free it from all suspicion of having been prepared to produce an effect contrary to the avowed wishes expressed in it. It was addressed to a personal and political friend residing in St. Lawrence county, whose attachment and devotion were never doubted, and to counteract and not accelerate action in accordance with the wishes he had communicated. It proves that, instead of seeking elevation to the presidency, he strongly desired to be relieved from the duties of the high position he held. It also contains confirmatory evidence of his unselfish devotion to the democratic party, and his willingness to sacrifice his individual wishes to secure its harmony and prosperity. It showed him to be a careful observer of passing events, from which he drew unusually accurate conclusions. It demonstrates that his heart was with his quiet neighbors and friends in the country, instead of being captivated and devoted to the show and splendor of courts or high official positions. Long and intimate association had prepared the mind of his correspondent to give perfect credence to these frank avowals, the strict truth of which he never doubted, although so at variance

with the practice of the mass of mankind. He admired and sought good government, which he religiously believed could alone flow from carrying out democratic principles in their vigor and purity, but not to govern others.

The following extract is from a letter addressed by Gov. Wright, on the 12th of October, 1846, and fully corroborates his previously expressed opinions and those we have given upon this subject:

"Let me briefly refer you to one other topic and I will close. You assure me in your letter that the President will not be a candidate for a re-election, as though it was a point of deep interest to me. In my conversation with Messrs. Gillet, Buchanan and Bancroft, they all seemed determined to dwell upon the same point, under a like impression. Let me assure you that I have not, at any time, and do not now, entertain any feeling upon that subject. If the President shall administer the government as I think he will, I have not the slightest objection to his being again a canditate. I am well aware that some of my friends have used my name in connection with that office, but it has been against my earnest wishes, and I sincerely hope that I may never be seriously a candidate for that place. I know too much of its cares, perplexities and responsibilities to desire its honors at such a price, and nothing but circumstances as controlling as those which have placed me in my present situation will make me a candidate for that office."

After his defeat, in 1846, numerous northern and some southern papers named Mr. Wright as a candidate for the presidency in 1848, and some raised his name at the head of their columns for that office. In letters and in conversation his name was often used in this connection. In reply to a letter addressed to him upon this subject, under date of July, 1847, he uses this language, found in Mr. Jenkins' work, showing that his views in relation to the office had undergone no change since his letter to the Author, in 1842:

"I wish you to believe me, when I tell you, that I write upon this subject (the presidency) wholly free from personal embarrassment. I have never been vain enough to aspire to this high office; and, if I had desired it ever so strongly, I am not so blind as not to see that the present period presents no opportunity for a candidate such as I should be. I tell you the truth, however, when I say, elevated as it is, and is justly considered, I do not wish the office.

"My acquaintance with it has long since satisfied me that no man should aspire to it who has not a stronger hold upon the feelings of the country than I have; and that if obtained it will give such a man neither pleasure nor honor. I am not a candidate for the office, and have no feeling about who shall be candidates, beyond my deep feeling for the country and its institutions, and for the democratic party and its principles, upon the success of which I think the country and our institutions must rely for prosperity and success."

No candid man, after reading these avowals, can doubt that Mr. Wright never sought the office of President of the United States, or even desired it. Nor can there be any question that he might have obtained it in 1844, but for his letter to Judge Fine, forbidding the use of his name at the Baltimore convention, after the defeat of Mr. Van Buren and the withdrawal of his name.

Chapter CXVII.

THE UNITED STATES SUPREME COURT JUDGESHIP.

Smith Thompson, of New York, who had been Secretary of the Navy from 1818 to 1828, when he was appointed an Associate Judge of the United States Supreme Court, died in 1843. His circuit consisted of New York, Connecticut and Vermont. Attention was naturally directed to New York for a successor. Then, as now, constitutional questions were looming up in the horizon, mingled more or less with those of sound public policy. President Tyler, though an anti-Jackson man, had been nominated and elected to the vice-presidency as a Virginia democrat. He could not consistently fill this vacancy with a known whig. He had served in the United States Senate with Mr. Wright, knew his talents and acquirements, and his remarkable logical mind, and appreciated the high estimation in which he was held in all parts of the country. He was known to be devoted to the Constitution and democratic principles, and had been distinguished at the bar. His appointment would be gratifying to the public generally. President Tyler resolved to tender him the appointment. This was done, in the first instance, through a friend. The compliment was highly appreciated, but declined. After some delay it was again offered by President Tyler, personally, at an interview solicited by him, with a like result. Then with his concurrence, the late Peter V. Daniel, then a member of that court, wrote him a letter urging him to accept the office. Mr. Wright had not long before argued two important causes before the Supreme Court. His arguments were admired by the judges and the bar. One of

the cases involved the construction of complicated statutes, which he disentangled in a clear and masterly manner. The other involved the extent and effect of colonial grants by the British crown, from the shore seaward. He had made his usual ample preparation, and his briefs attracted the attention of those taking an interest in such matters. There were no repetitions of the same thought. If these arguments had been taken down verbatim, they would have appeared well in print. They were concise, and wholly to the points involved. These arguments, coming from one who entertained opinions upon constitutional law similar to his own, made Judge Daniel, who was a grandson of Patrick Henry, and profoundly learned in constitutional questions, anxious to secure Mr. Wright as a colleague on the Supreme bench. The answer he received was furnished by the judge soon after his death, and does Mr. Wright the highest honor. Probably no other man then, or now, would have been so utterly free from selfishness, or so mindful of implied obligations to serve in a less important and desirable office. No such instance is recorded in the annals of politicians, nor is it probable that its parallel can be found in those of any class of men. This opinion was expressed at the time by Judge Daniel, and others who saw the following letter:

Mr. Wright to Judge Daniel.

"Washington, *8th March*, 1844.

"My Dear Sir. — Your very kind letter of yesterday was left at my room while I was absent at the Capitol, and reached my hand after our adjournment. Upon reading it, I made up my mind to visit you last evening at your room, but could not discharge myself from company and business calls until nearly twelve o'clock.

"I seize a moment this morning, therefore, to acknowledge the letter and your too friendly feeling and judgment expressed in it.

"You may or may not have heard, amongst the thousand

rumors which prevail here, my name repeated, in connection with the existing vacancy upon your bench, for the last three weeks. That rumor deserved no thought from those who merely heard it as rumor, because nothing is much less likely to be true than such reports here. To me, however, upon repeated occasions, the suggestion came in a form and from sources which left little doubt upon my mind that the persons were talking to me with the knowledge of the President, though not, in form, at his request or by his authority.

"I only mention this to show that my mind was brought seriously to reflect upon the subject some time since. My impressions were decidedly against an acceptance of the place, if offered, upon hearing my name made use of in connection with it; and all the examination I could give the matter, so far from weakening, constantly strengthened those impressions. I told all who talked with me that I could not think of the place, for two good reasons: First, that I was not at all qualified for it, having never followed my legal profession but a very few years, and for the last twenty years having been wholly out of it; and, secondly, because I was not at liberty to leave my present position at this crisis.

"On Tuesday last, at about two o'clock, P. M., Robert Tyler, the son of the President, called upon me at the Senate chamber, and told me that his father wished very much to see me that evening. I told him that we were to have a meeting that evening, which I must attend, and suggested an appointment for the next morning. After a moment's hesitation, he said his father wished very much to see me that evening. I therefore told him, if the meeting should adjourn, so that I could reach the President's house by nine o'clock, I would call that evening; and otherwise, I would call in the morning. In the morning I did call at an early hour; saw the President alone, when we had a free conversation of half an hour. He immediately told me that his object was to offer the judgeship; that he had caused me to be felt of previously, but finally concluded that the best way was to request an interview, and have a frank conversation, face to face; and he then made the offer in as handsome a manner, and in terms as kind, as any man could have used. I thanked him most sincerely for his too favorable opinion; told him he

was aware that the subject was not new to me, and, therefore, that I had had time for reflection, and that I was compelled to decline his generous offer.

"I mention this to show you that the matter had been definitely settled full twenty-four hours when you wrote. I have not time, nor can I tax yours, to go into detail as to the views which induced me to think it was my duty to take this course.

"The consciousness of want of qualification would have been a very serious, if not an insurmountable obstacle, if I had been left to contend with that alone; but as neither you nor any other friend can very well discuss that point frankly with me, I lay that aside, and then my decision would have been the same. Your letter shows that this ground of objection was present with you; and it implies so much vanity on my part to mention it, and much more to magnify its importance, that I am compelled to decline discussion, as I have declined taking advice. I did think, at one time, of writing privately to some few friends at home; but reflection induced me not to do so. In doing it, I must assume qualifications, a point I did not mean to decide for myself, and then what could these friends say? What could that one [Mr. Van Buren] say, whom I should have most desired to consult, if any one? They must have said, and that one especially, 'he wants to take the place, but desires our sanction to his leaving the Senate,' and none of them would have interposed, by reason of personal delicacy and personal kindness; and could not well have done so, whatever might have been their real views of the policy of the step or of its propriety. And the one friend [Mr. Van Buren] would have been compelled to feel that even doubt or reluctance on his part might be imputed to selfishness, and he could have said nothing, or must have said 'yes.' For these reasons I have not consulted a mortal, and for my conclusion I am solely responsible. Could I feel myself fitted to take the place, with even fair credit in an immediate discharge of the duties, and were my circumstances such as to leave me at liberty, no offer under this government could have been so acceptable to me.

"Very respectfully,

"SILAS WRIGHT.

"Hon. Peter V. Daniel."

From his entrance upon public life Mr. Wright had been an admirer and supporter of Mr. Van Buren. He had been an active and influential participator in his nomination in 1832 for the vice-presidency. He supported him in 1836 and 1840 for the presidency with zeal and energy. It was his opinion that he ought to be again nominated and supported in 1844, believing that he could be then elected. Mr. Van Buren's friends had twice aided in his election to Congress and twice supported him for Comptroller. They cheerfully united in his election to the United States Senate in 1833 and in 1837. He was again re-elected in 1843 by the democrats of the New York Legislature, with the distinct expectation that he would devote his best energies in the support of Mr. Van Buren for the presidency in 1844. The force of this implied obligation, which he was under to his democratic friends, he clearly admits in his letter. He knew of no means by which he could be honorably discharged from it. For reasons delicately referred to, but strong and conclusive with him, he omitted to seek advice from friends, and refused one of the most desirable positions under our government, and for which he was eminently well fitted. In his opinion he considered himself bound by the implied obligations he was under — expectations that others might fairly form — and he could not consent to cause disappointment. No personal benefit could induce him even to disappoint those who confided in him, expecting his aid in carrying their wishes into effect. This was one of the grounds why, when Governor, he refused the office of Secretary of the Treasury, tendered him by President Polk. The democracy of the State had selected him as their chief magistrate, and without their assent he thought he ought not to desert them and take other employment. Such delicacy of motives indicates an elevation of mind which cannot fail to increase our admiration of the man.

CHAPTER CXVIII.

OTHER FEDERAL OFFICES OFFERED HIM AND DECLINED.

Colonel Thomas H. Benton was distinguished for the extent and accuracy of his knowledge and the clearness with which he communicated to others the information he acquired. His opportunities for obtaining an accurate knowledge of passing events in the political world were inferior to no other person's. His powers of observation were great, his conclusions clear and well drawn, with an iron memory. He participated in an unlimited degree in the confidence of his political friends. In his great work, "Thirty Years in the Senate," he gives the world an inside as well as outside view of the federal government during his thirty years' service in that body. His notices in it of individuals are distinguished for their accuracy and the forcible manner in which he describes them. A chapter is devoted to the death of "Silas Wright," with whom he served twelve years in the Senate next prior to his becoming Governor of New York. We copy from his graphic description of him:

"Though dying at the age deemed young in a statesman, he had attained all that long life could give — high office, national fame, fixed character and universal esteem. He had run the career of honors in the State of New York; been Representative and Senator in Congress, and had refused more offices and higher, than he ever accepted. He refused cabinet appointments under his fast friend, Mr. Van Buren, and under Mr. Polk, whom he may be said to have elected; he refused a seat on the bench of the federal Supreme Court; he rejected instantly the nomination in 1844 for Vice-President of the United States, when that nomination was the election. He refused to be put in nomination for the presidency. He refused to accept foreign missions.

He spent that time in declining office which others did in winning it, and, of those he did accept, it might well be said they were '*thrust*' upon him. He was born great, and above office, and unwillingly descended to it; and only took it for its burthens and to satisfy an importunate public demand. Mind, manners, morals, temper, habits, united in him to form the character that was perfect, both in public and private life, and to give the example of a patriot citizen — of a farmer statesman — of which we have read in Cincinatus and Cato, and seen in Macon, and some others of their stamp — created by Nature — formed in no school, and of which the instances are so rare and long between.

"His mind was clear and strong, his judgment was solid, his elocution smooth and equable, his speaking always addressed to the understanding, and always enchaining the attention of those who had minds to understand. Grave reasoning was his forte. Argumentation was always the line of his speech. He spoke to the head and not to the passions; and would have been disconcerted to have seen anybody laugh or cry at anything he said."

The authority of Col. Benton, in relation to appointments tendered to Mr. Wright, will be questioned by no one who knew him and understood his accuracy in developing facts. Mr. Van Buren's offer of a cabinet station is understood to have been that of Secretary of the Treasury, at the commencement of his administration in 1837. A mission abroad is supposed to have been tendered him toward the close of it, and by Mr. Tyler, early in his, with the probable motive of weakening the opposition to his administration, by removing from the Senate one whose influence he found it difficult to resist or overcome.

Mr. Wright's motive for preferring to remain in the Senate, when offered the Treasury department by Mr. Van Buren, will be easily understood. He had just been re-elected to the Senate of the United States and felt bound to serve his constituents. He preferred his situation in the Senate, where his voice was listened to with effect, to grappling with our finances on the eve of the

general suspension of specie payments by the banks and the explosion of the deposit bank system, and sustaining the credit of the government unimpaired amid the financial wreck. The management of a department would subject him to the uninviting ceremonies of court circles and confine him to the city of Washington, while his duties as Senator could be faithfully discharged, and allow him, on an average, to spend half of his time at home, among his esteemed and devoted neighbors and friends, greatly to the advantage of his health.

At no period in his life would he have declined to don the livery of a private soldier and hazard his life in defending our soil, as his father and brother did in 1814 at Plattsburgh. But probably nothing on earth could induce him to wear that of a diplomatic minister, simple as that of the American ministers was at that time. A man of his habits, tastes and feelings could find nothing interesting or agreeable in a foreign mission among strangers, far away from home. Visions of the gayety and splendor at foreign courts had no charms for him. He could never understand how an American citizen could desire to leave his own fireside, his friends and his country, to go abroad to float in the atmosphere of courts and their brilliant gayeties for a limited period. With many, the contrast of quiet home life would probably render the residue of life irksome and uneasy, if not positively unhappy. Even in the Senate he strongly disliked to be a central figure to attract the common gaze. He never sought the admiration of his fellow-man, and ever avoided attracting attention by display. Whatever may have been the reasons assigned by him for declining foreign missions, by whomsoever offered, it will not be doubted that these things exercised no inconsiderable influence in forming his conclusions not to accept them. He was never found struggling to climb ambition's slippery ladder, nor seeking to become a ruler over

his fellow-men. Hence he declined all offices whose tendency was to force such things upon him. Those who knew him best will never question that his acts, in all these matters, were the natural consequences of his real feelings, and his conclusions drawn from sincere convictions of duty, however different both may be from those entertained by the masses of mankind.

It has been shown that he refused the following high offices when tendered to him, or declined nominations or resisted their being made:

1. Secretary of the Treasury, offered by Mr. Van Buren.
2. Mission abroad tendered by him.
3. Declined a seat on the bench of the United States Supreme Court, tendered him by President Tyler.
4. A mission abroad tendered by him.
5. Declined nomination for the vice-presidency.
6. Declined to be nominated for the presidency.
7. Resisted a nomination for Governor of New York, until actually nominated against his wishes and sincere and earnest protest.
8. Declined to accept the office of Secretary of the Treasury when offered by President Polk.

Such a record has not been left by any other American citizen. Of all the offices he ever held, from his election to the State Senate in 1823 to that of Governor in 1844, not one was ever solicited or in any way sought by him, but were the free gifts of those having the power to confer them. The mode in which he performed the duties of one induced the demand that he should accept another, and so on to the last.

Chapter CXIX.

The Office of Governor.

Mr. Wright's debt-paying financial views, his opposition to all special legislation, whether in aid of corporations or otherwise, and his deep aversion to all flashy legislation, while in the State Senate and in the office of Comptroller, were warmly approved by a large majority of the people of the State. He was esteemed a sound and safe man, who could neither be corrupted, nor driven or enticed, by selfish hopes, however glittering, into doing injustice to the State or its citizens. He was considered a tower of strength, equal to resistng the wiles and stratagems of that numerous selfish class who seek to use the State government for the purpose of enriching and aggrandizing themselves. He had been tested and found wise, prudent, unselfish and true to the people, and could be safely trusted. These invaluable qualities, at an early day, turned the attention of sound men to him for the office of Governor. Some approached him in conversation, and others through the medium of letters which he did not preserve, none of them being found among his papers. Many of his replies are accessible and some will be given. They are all to the same effect — that he did not wish for the office and could not consent to take it. He adhered to these views until he was induced to believe, contrary to the Author's urgent advice, that it was a matter of duty to the democratic party to surrender his own wishes and opinions, and yield to their solicitations to become their candidate for the office. His own opinions and wishes were clearly right, and those of his advisers, to which he finally conformed,

were fatally wrong. Whether any of those, to whose wishes he conformed, anticipated and hoped for what followed, we shall never know. Had Mr. Wright, instead of consenting to become a candidate, continued "field preaching" over the State, Mr. Polk, it is believed, would have carried New York, and been elected President. Men who admired and loved Mr. Wright would have as readily followed his advice, addressed to them in person, as they would have attended the polls and given him their votes. He would have aroused thousands to activity who had not love enough for him personally to awaken their dormant energies and bring them to the polls. These were among the grounds why the Author gave his advice against accepting the nomination, which would, from necessity, lead to his retirement from the Senate, the next best place for him below the presidency.

Among the early letters on the subject of the governorship, was one addressed to President Van Buren, by Elam Tilden, of Columbia county, one of the soundest and most unselfish democrats in the State, who never would accept office of any kind. It was handed to Mr. Wright to read. In his answer, dated July 3, 1840, addressed to Mr. T., Mr. Wright opened his heart to him frankly and fully. He says: "I have been long since advised that some of my too partial friends have felt an anxiety that my name should be placed before the people of the State as a candidate for the office of Governor. It would be as unnatural, as it would be unjust, that I should not acknowledge my grateful feelings toward those who have manifested this high sense of my capabilities, and it pains me to be compelled to declare that I am conscious my friends have overrated me in this instance. I further verily believe that, at the present time, and in the present state of the public mind in certain portions of the State, I should not be as strong a

candidate for this important office as many others who are named as candidates."

He then gives two other reasons for not desiring the office. The first, that his accumulations were very limited, and would become exhausted if he held the office of Governor, and leave him a "political pauper," a position he had always wished to avoid. The second, that his wife, who had been a good wife to him, had been taken from the country, and was not fond of that kind of life which would be inevitable if he were Governor, and was unhappy at the very thought of his consenting to become Governor. These reasons he deemed quite sufficient to excuse him from accepting the position.

Few men, surrounded by the circumstances which were then present, would have acted from the reasons assigned by Mr. Wright. The fear of becoming a political pauper, and a delicate regard for his wife's feelings, were sufficient to control his action.

The effort to induce Mr. Wright to consent to become a candidate for the office of Governor was revived in 1842, and renewed early in 1844, and pressed with great zeal and energy by Messrs. Dennison, Porter and many others. But he firmly refused. To prevent further importunity on the subject, he authorized Mr. Croswell, of the Albany Argus, to publish the card, copied in his letter to the editors of the St. Lawrence Republican, which appeared in the spring of 1844, and which was copied into most of the newspapers of that day. This card did not have the effect contemplated.

Among others, Thomas M. Burt, Esq., a friend of twenty years' standing, addressed him on the subject of the nomination for the office of Governor. His answer, which frankly states his wishes and reveals the steps he had taken to avoid the nomination, bears date before the publication of his letter to the editors of the St. Lawrence Republican, which we give below. In the following let-

ter Mr. Wright fully and frankly states his real wishes and feelings on this subject:

"Canton, *6th August*, 1844.

"My Dear Sir. — Your favor of the ninth ultimo is yet without an answer, but is before me, with a few moments to devote to it. Your unwavering personal friendship has deserved better treatment, but numerous circumstances have rendered it impossible that I could discharge this duty earlier.

"I did not reach my home till the thirteenth, when I found your letter, and also, for the first time, the Columbia county proceedings. I heard of them at Ogdensburgh, on my way home, and with deep regret. I thought I saw the consequences to which the movement must lead, and a letter from Gen. Dix, which I also found here, gave me an inkling of the suspicions which would be built up from the coincidence of circumstances. I was called away after two days, and was really absent about a week. Upon my return, I found letters of all sorts, as I feared I should; letters which must be answered, and letters which I could not answer in but one way. One class were letters from real friends, asking me whether, in fact, I had changed my mind and consented to the use of my name. Another class told me it was inferred — from the facts that I had visited Mr. Van Buren and spent two days with him, on my way up, that Gen. Dix had accompanied me there, and that he had attended the Columbia meeting and addressed it — that the thing was all arranged at Kinderhook and I was to be a candidate, and presuming, if there was anything mistaken in these inferences, that I should promptly correct them. Another class were letters like yours and from the best of friends, many of them urging me not to say I would not accept a nomination; and others, the writers caring much more about the defeat of Bouck than the selection of me, using rather a threatening tone, told me if the State and electoral tickets were lost, the responsibility must rest upon me, in case I attempted to arrest the use of my name, and that it must and would be used, etc.

"As the only means of answering these various calls, which I could think of, without a publication over my name, I wrote to

Croswell, and requested him to republish my article of May, and to say that my position had not changed since that publication, and that I had written no letters and had given no consent to the use of my name. The article came here when I was again absent, but upon my return I found it was one of Mr. Croswell's polite moves, the drift of which was that, if doubts longer existed, I would put them at rest. In the meantime, as I anticipated, the mysterious givings out about the Kinderhook arrangement were whispered in all quarters, and the Bouck partisans were becoming fired up with passion that I should play such a game. This was exactly what had been desired, and again the letters of all classes came pouring in upon me. My correspondence became equal to its heaviest measure at Washington, and of a character which I could not answer in detail.

"My desire and conclusion was to say I would not accept a nomination under any circumstances, and I wrote a letter for our paper of the last week and sent it to Ogdensburgh for the examination of our friends there. They sent it back, and Mr. King with it, remonstrating against my going so far, and saying I had no right to do it. We negotiated until that paper was lost, which has caused too much delay. Since that we have used up about a week, and finally have all agreed upon the communication, which you will find in our county paper of this day, a copy of which I have directed sent to you.

"My friends said I was public property and the democratic party had a right to use me as it thought proper. Without denying the principle, I said that it was the party, and not a portion of it, which had that right, if it existed, and that no portion of the party had a right to force me into a conflict with another portion, and thus make me the instrument of a party schism. This was admitted. I further contended that I had no right, while holding the office of Senator, to become a voluntary competitor for the office of Governor. That was admitted. These points settled, and what I had said being carefully considered, we agreed upon the publication as you will see it.

"I give you this explanation, because it is due to you. I am well aware that both sides will find fault. One will say I do not go far enough, and the other will say I go the whole length

now. This I cannot help. I had made up my mind to be content with what I had said and authorized to be said, if I could be let alone upon that ground in the convention. If, however, I was pressed forward as a competitor for the office, and my name used to defeat Bouck, through the press and in the convention, a little reflection would have convinced any one that I should be forced to speak by the authority of my name, or be suspected of unfairness and double-dealing and a real desire for the office.

"I make no complaint against any one, nor do I suspect intended wrong among those whom I count friends. The position was a delicate and awkward one, and I had no right to expect that a whole community would appreciate it and regulate their conduct by it, nor so as to judge my course by it. Still, I was forced into the position against my will, and have acted in it, step by step, according to my best judgment. If my strong personal feelings have misled that judgment, I am not conscious of it; and certain I am that, if any unpleasant or injurious consequences of my acts in the matter can be visited upon me, and not upon my friends or my party, I shall be content.

"I intend this letter as *confidential*, as you will see it ought to be, and I am willing your discretion should govern its use as such. It is written in great haste, as I am buried up in letters, and must close by saying,

"I am truly yours,

"SILAS WRIGHT.

"Thomas M. Burt, Esq."

Communications and newspaper articles became so numerous that Mr. Wright determined to make a declaration giving his views and wishes, over his own signature. He thereupon addressed the following letter to Hitchcock & Smith, then the publishers of the St. Lawrence Republican. As originally prepared and sent, the words "against any republican who is or may become a candidate," at the end of the seventh paragraph, were not contained in it. Without them, the refusal to be a candidate was unconditional and peremptory. Upon urgent request of Hon. John Fine, Hon. Preston King

and others, these words were added, which left it open to his friends to make him a candidate, if not in opposition to a democratic competitor.

"Messrs. Hitchcock & Smith:

"The public papers and my numerous correspondents admonish me that the use of my name, in connection with the office of Governor of this State, requires some further notice from me, and I ask a space in the columns of your paper for that purpose.

"Since the meeting of the Legislature, in January last, I have been frequently solicited to consent to the use of my name, by worthy and respected friends, members of that body, and others. To all such applications prompt replies have been returned, entirely withholding the consent asked. In one or two cases, the announcement of my name in a public paper, as a probable candidate for this office, led to a correction, made at my instance, and to the published declaration that I interdicted that use of my name.

"Not having succeeded in producing a general understanding of my position and wishes by these steps, at about the adjournment of the Legislature I requested the insertion of an article in the State paper, in the following language:

"'Mr. Wright not a candidate for Governor. — We have been shown a letter from Mr. Wright, addressed to a friend in this city, in which he states explicitly that he is not a candidate for the office of Governor, and that he shall not be, under any circumstances he is able to anticipate. Mr. Wright says he does not desire that office upon any terms, and he certainly shall *not knowingly make himself the means of difficulties and divisions in the democratic party of the State*, to which he is so deeply indebted, at any time, upon any question, or for any object; and certainly not at a time like the present, when a vital national contest demands perfect harmony, and the united and patriotic exertions of the whole party. He adds, that he has communicated these determinations to several members of the Legislature, long since, and the proceedings of certain meetings of his friends in this county, making use of his name, had escaped his notice, until his attention was drawn to them by his correspondent.'

"This I had hoped would have saved me from misconstruction, and my friends from misunderstanding, and spared me the necessity of further troubling the public upon this point.

"This expectation, however, has not been realized, and the recent use of my name, by several meetings and associations of republicans, and in various democratic newspapers, is, I find, producing extensively the impression that my dispositions had undergone a change, and that my assent has been given to these proceedings.

"It therefore becomes incumbent upon me, as I think, to correct this erroneous impression, and to put an end to misapprehension and misunderstanding, by declaring that my opinions and feelings and wishes have undergone no change; that I am not a candidate for the office of Governor at the approaching election; and that I have no right, in my judgment, to become, and cannot, under any circumstances, consent to be made, a competitor for the nomination, either before the people or State convention, *against any republican who is or who may become a candidate.*

"My private feelings render the office of Governor, elevated and honorable as it truly is, undesirable to me; and the many favors I have received from the democracy of this State, and the high and responsible office I now hold, through their kindness and confidence, forbid that I should consent to disturb the harmony, or impair the strength of that party, by permitting myself to become a competitor for any higher or other honors. My disposition and my duty coincide here, for I have no ambition for more difficult or weighty responsibilities than those pertaining to the place I now hold. Conscious as I am that those great responsibilities have been very imperfectly discharged, I cannot feel that degree of self-confidence necessary to voluntarily encountering greater.

"I have felt an extreme, perhaps culpable, reluctance to address the public in this manner upon this subject. My many obligations to the democratic party of this State present, however, a plain and sufficient reason for this discharge of a manifest duty. With harmony of feeling and concert of action, the success of that party in the pending canvass is not, in my judgment, doubtful. The manner in which the national nominations have been received and are supported affords the most gratifying evidence

that any State candidates, who shall receive the harmonious nomination of the State convention, will meet with an equally warm reception from the entire democracy of the State and with a triumphant election.

"To promote this harmonious and successful result by all honorable means in my power is my imperious duty, while to permit myself to become the instrument of interrupting that harmony, or endangering that success, would be unpardonable ingratitude.

"This communication should have appeared in the last number of your paper; but my absence for several days, and very pressing calls upon my time after my return, prevented my giving the proper attention to this subject until it was too late for that publication.

"SILAS WRIGHT.

"Canton, *August 1st*, 1844."

In a letter without date, but undoubtedly only a day or two after, Mr. Wright thus refers to the alteration made in his communication to Hitchcock & Smith:

"My Dear Sir. — Your two notes came this morning, and I thank you for them. Your proposed correction of the article is important, and am glad you see no objection to it thus corrected. My position now is made one of doubt, as masses of letters written to me show. It should not be that, *and I think I should go as far as I can go, and not say I will not accept a nomination under any circumstances; I would be most glad to say that, but perhaps I have no right to go so far;* yet I think I have a right to say that I will not be thrown into the position of seeming to *compete* for the nomination against any candidate.

"I return you Mr. Page's letter and thank you for the perusal. It and the letter of Judge Willard are a fair exhibition of the different impressions and judgments which honest and good men form as to my position, and that may well embarrass me.

"In haste, I am truly yours,

"SILAS WRIGHT.

"Hon. John Fine."

Mr. Wright continued to receive numerous letters from friends on the subject of his nomination for Governor. His answers were usually brief, accompanied by a copy of his communication to the St. Lawrence Republican, of August 1st, 1844. Wishing to place himself in a proper position, he prepared and delivered to the St. Lawrence delegates to the State convention — both personal and political and trusted friends — a frank and explicit communication on the subject of his nomination. He accompanied the same with a private letter to Judge Allen, one of the delegates, wherein he states reasons for wishing not to be nominated, which he had not communicated to the public. They are, in part, those expressed to Mr. Tilden four years previous.

These letters avowing his feelings and wishes are here given entire:

"Canton, *August* 31*st*, 1844.

"Gentlemen. — As the delegates to represent this county in the State convention, to be held at Syracuse on the fourth day of next month, I find it necessary to trouble you with a communication of a personal character.

"You are well aware that my name has been used, in connection with the nomination of a republican candidate, for the office of Governor of this State, a nomination which the convention of which you are members is to make. I believe you also know that I do not desire that office, and that my name has been used as a candidate without my consent and against my wishes.

"That you may be possessed of the position which I have felt myself compelled publicly to assume upon this subject, I hand you, inclosed, a copy of a publication made in the St. Lawrence Republican, at my request, on the sixth day of the present month. By that position it has been and is my purpose — as I consider it to be my duty — strictly to adhere; and if any use of my name, since it was thus distinctly assumed, has seemed to conflict with it, I can only say it has been without my authority, as it has been against my determinations thus explicitly announced. I cannot express more reluctance than I feel against the use of

my name as a candidate for the office of Governor, under any circumstances; and I have only been restrained from going further, in limiting or wholly interdicting that use, from the fear that I should transcend my rights as a member of the democratic party of the State, in the present enjoyment of its honors and rewards, or violate my duty to that great political party which has been so faithful and liberal to me through a long term of years.

"The length to which I have gone appears to me to be in strict accordance with my rights and duties. To refuse to become the instrument of an interruption of the harmony of feeling or action of the democratic party of our State is an obligation upon me, strengthened and enforced by every favor I have received from it and every honor it has conferred upon me, and not to obey it would be, in my estimation, the most palpable violation of a plain duty on my part.

"Hence I have said that 'I have no right, in my judgment, to become and cannot under any circumstances consent to be made, a competitor for the nomination, either before the people or the State convention, against any republican who is or may become a candidate.'

"Before the people I have done all in my power to avoid being placed in the position of a competitor for this nomination; and I now invoke your aid to enable me, if it shall be necessary, to redeem my pledge as it respects the convention. I entertain the confident hope that you will not, under any circumstances, feel it to be your duty, as delegates from this county, to place my name before the convention at all; and if it should be brought before it by others, in a manner to place it in conflict or competition with any other name before the body as a candidate, I not only authorize you severally, but enjoin it upon you, so far as you will permit me to do that, or so far as I have the right of a constituent to do it, to withdraw it wholly, and to declare, for me, that I cannot accept a nomination made against the resistance of the friends of any other candidate. The only right of our party to command the use of my name, as I think, is to secure its harmony of feeling and action; and, when these cannot be secured by its use, the duty upon me promptly to withdraw

it altogether appears to me as plain as the right to do so does clear and unquestionable.

"I assure you, gentlemen, you each sufficiently know and appreciate my feelings upon this delicate and responsible subject to be willing to comply with the request I make, when you are assured it is made more strongly under a sense of a solemn and imperious duty, which I should not fail fully to discharge, than in the spirit of the assertion of a right, although to be exercised so much in accordance with my personal feelings and wishes.

"I am, gentlemen, with great respect,

"Your obedient servant,

"SILAS WRIGHT.

"Messrs. Horace Allen and John L. Russell, Esqrs., Delegates, etc."

The reasons for his course on this subject, contained in the foregoing communication to the delegates from St. Lawrence county, were such as Mr. Wright expected would be made public by them, orally, if not otherwise, at the convention. On the same day he wrote a private letter to Judge Allen, the senior delegate, in which he freely communicated his innermost thoughts without restriction or reserve. Similar views had been freely impressed upon Mr. Russell, the other delegate, who was his neighbor and most intimate and confidential friend, in their frequent conversations. In these ways he had most fully revealed his heart to both, withholding his real feelings and wishes from neither. His letter to Mr. Allen, marked "private," is as follows:

"Canton, *August* 31*st*, 1844.

"My Dear Sir. — Inclosed I hand you a duplicate of the communication of which I spoke, and which I promised to place in the hands of yourself and Mr. Russell, in the course of our conversation on Thursday. I have made duplicates, because it may be more convenient that both Mr. Russell and yourself should have a copy, and I place the other in his hands. I do not

know that I can add anything to the views which I offered in that conversation, and what I have said in the inclosed. If the nomination of Gov. Bouck can be made satisfactory to the convention and our party, I shall be most happy at such a result. If that cannot be done, and the convention can agree to set aside both his name and mine, and take that of some worthy member of the party who has not been brought before the public, I verily believe more entire harmony of feeling and action will be likely to be secured. In any event, I cannot look upon my nomination as promising auspicious results, present or future; and I cannot be mistaken in insisting that my name should not be used, in any event, but with the free assent of the friends of all other candidates, and most especially those of Gov. Bouck. I do not anticipate that such assent will be met with; and I entreat that Mr. Russell and yourself will not hesitate for a moment to withdraw my name wholly, in case it should be brought before the convention and shall become the subject of any difference of opinion or feeling among its members.

"It must be true that, if entire harmony cannot be experienced, my name should not be made the cause of any degree of division. My position and the place I now hold should forbid that, and should distinguish me from other candidates not similarly situated, if there is to be a division. Hence I have given to the communication inclosed the shape I have, and this is the spirit in which I have made the request it contains, and in which I wish to have that request understood and carried out.

"You will pardon me, I hope, for referring here to my personal feelings on this subject. I cannot, as I have said, express more reluctance than I feel against being a candidate for this office, under any circumstances; and my reasons rest upon considerations of personal feeling, domestic feeling, private interest, and public prospects for the future, so far as I can read them, as connected with myself and my services. I will not detail these considerations to you as they pass through my own mind, but will express the earnest hope that Mr. Russell and yourself will find it consistent with your sense of your responsible duties as members of the convention, so far from using efforts to throw this nomination upon me, to be the means of averting that result.

I do not ask you to violate any duty to the public to favor my present wishes, but I do hope that it may be found expedient not to attempt to use my name at all; and, if brought before the convention, I will rest assured that both of you will be prompt to withdraw it wholly, the moment the contingency shall happen upon which I have based that request.

"Pardon me for giving you so much trouble. I shall not give Mr. Russell a copy of this private note, but shall read this to him before I inclose it to you.

"You must not consider me, in either of these communications, as holding or treating lightly our success in this State at the pending election. With harmony of feeling and action, success is, in my deliberate opinion, perfectly in the power of our party, and I will make any sacrifice in my power to produce that harmony. Still, with it, I do not think it at all material what name is upon our ticket for Governor. Success would, in my judgment, be equally certain with any; while, without it, there would be danger with any name, and I should not be the man to appear to cause the division. These are my convictions, most deeply entertained.

"In much haste, I am most truly yours,

"SILAS WRIGHT.

"Hon. Horace Allen."

These communications, with what has preceded them, clearly show that, in solving the question presented, Mr. Wright was actuated by considerations of duty. In a letter addressed to a friend he said, "This strife, between personal inclination and interest and *public duty*, disturbs a man's judgment and makes him a very unsafe counselor for himself." A proper regard for his personal interests, his own and his wife's feelings, and the present and future harmony and success of his political party were involved in his determination. He conscientiously believed that each of these considerations was adverse to his accepting the nomination. Time has fully demonstrated the accuracy and soundness of this conclusion

concerning the consequences to the democratic party which were likely to follow. The course of Mr. Clay on the question of the annexation of Texas, in his two inharmonious letters, gave undoubted hopes of the democrats of the Union, which strongly tended to bind them together in New York. Whether, without this binding cause, the democrats would have elected Mr. Wright Governor, must ever remain a matter of conjecture. The fact that he ran ahead of his ticket simply proves that his great and deserved personal popularity induced a large number of his political adversaries to vote for him. It does not prove that, if running separately, he would have commanded the entire vote of his party and been elected. At the next gubernatorial election, when the question of Governor was the controlling one, the party divided and he was defeated. The fatal effects upon his party which he feared and often stated in private, came upon it. For the next six years New York had whig Governors, and, except Gov. Seymour's success in 1852 and 1862, the adversaries of the democratic party have held that office down to the election of Gov. Hoffman in 1868, a period of twenty-two years. During all this time they have had the United States Senators and substantially all the principal offices in the State, and for ten years those of the United States. Mr. Wright's worst fears, fully expressed to the Author, have been more than realized. He judged better of the sources and depth of the hostile feeling which existed against him, growing out of his views on State finances and policy, long previously made public, and the consequences to flow from them, than any of his zealous friends who urged his nomination.

CHAPTER CXX.

NOMINATION AND CANVASS FOR GOVERNOR.

The State nominating convention for 1844 was held at Syracuse, on the fourth of September. There were present 125 delegates, some of whom were instructed by those appointing them to vote for Gov. Bouck, and others for Mr. WRIGHT. The course of Gov. Bouck, in relation to the nomination, had undoubtedly been sincere and high-minded and strictly honorable. He had offered to withdraw his name if Mr. WRIGHT would consent to be a candidate. But the latter peremptorily refused. Notwithstanding this refusal, the newspapers opposed to Gov. Bouck continued to press the name of Mr. WRIGHT with zeal and energy. After the nomination of Mr. Polk for President, he again declined, refusing to be a candidate in competition with any democrat. After the publication of Mr. WRIGHT'S letter to this effect, he again expressed a wish to withdraw his name. But some of his friends, in whose judgment he confided, insisted that he could not, at that time, abandon competition. He instructed a delegate, who was a personal friend, to withdraw his name if he thought proper. But, on consultation with other delegates, this person deemed it unadvisable to do so. No reasonable man can find cause for complaint against Gov. Bouck's course.

The personal friends of Mr. WRIGHT, instead of soliciting the withdrawal of the name of Gov. Bouck, for fear that Mr. WRIGHT would be dissatisfied with the using of his name "in opposition to any republican," would have acted far more in accordance with his judgment and wishes to have withdrawn his name, as the delegates from

St. Lawrence had been requested by Mr. Wright. Every delegate knew he was decidedly opposed to being a competitor against Gov. Bouck, or any one else. He had publicly declared so over his own signature.

At a late day, Mr. Wright foresaw that his wishes were in danger of being disregarded. He took every step in his power to avoid disturbing results to his party flowing from it. At his request the convention was officered with friends of Gov. Bouck. Hon. Heman J. Redfield, of Batavia, was unanimously elected president; Judge Denio, of Oneida, and Gen. Lawyer, of Schoharie, with six others, were made vice-presidents. He also expressed the wish that Daniel S. Dickinson, a friend of Gov. Bouck, should be nominated for re-election as Lieutenant-Governor. But he peremptorily refused to be a candidate.

On an informal ballot, Mr. Wright received ninety-five votes, and Gov. Bouck thirty, being more than three-fourths of the whole. Thereupon, Horatio Seymour, a delegate from Oneida, and an ardent supporter of Gov. Bouck, moved that the nomination of Mr. Wright should be declared unanimous, and the motion was adopted without a dissenting voice.

Addison Gardiner, of Rochester, was unanimously nominated for the office of Lieutenant-Governor.

These nominations were received by the democracy throughout the State with numerous demonstrations of satisfaction. It was a ticket of which any party might feel proud, and support with unfaltering zeal. No other nomination could bring more democratic voters to the polls. The personal characters of the nominees were above suspicion or reproach, and no candidates for these offices were ever better fitted to perform the duties imposed upon them than those now unanimously presented.

An address to the electors, and resolutions declaratory

of the principles designed to be carried out by the democratic party, were adopted with great unanimity.

The scope of the address and resolutions will be better understood by referring to previous events. The stringent debt-paying policy, and confining the construction of canals to such as would yield revenue equal to the interest of their cost and current expenses, and to refund the original expenditure for their construction within a limited period, proposed by Mr. Wright in the State Senate in 1827, had been substantially adhered to while the democracy held the political power of the State—to the close of Gov. Marcy's administration, ending with the year 1838. This policy was departed from by the whig party when Gov. Seward came into power on the 1st of January, 1839. During his four years' service as head of the State government, various public works were undertaken, the debt of the State was increased several millions, and its credit became so greatly impaired that, at one time, it was twenty-two cents on the dollar below par. This state of things produced great and serious alarm. An appeal was made to the people, who elected a Legislature favorable to the former financial policy, and passed the celebrated act of 1842, referred to in the resolutions, which, among other things, imposed an annual tax of one mill on the dollar on the valuation of all the real and personal property in the State. It provided also for the disposition of the revenues of the canals and of the proceeds of this tax, and suspended the further prosecution of the unfinished canals. The one-mill tax imposed, and certain moneys arising from the canal revenues, were pledged to "be sacredly devoted and applied as a sinking fund to the redemption of the canal debt now existing and authorized by this act, and shall not be diverted from that object to any other object whatever."

Those in favor of the policy of the act of 1842 were

desirous of making its essential provisions a part of the Constitution of the State, so that they would be irrepealable by the Legislature. This would forever continue the policy which had controlled when the democratic party were in the ascendency. To secure this object the Legislature of 1844 had passed joint resolutions proposing amendments to the Constitution in conformity with its existing provisions, which, if adopted by a majority of both Houses of the next Legislature and approved by a majority of the votes given at the first general election, would become a constituent part of the Constitution. The same Legislature had passed another amendment providing three associate chancellors, and two additional justices of the Supreme Court, and abolishing property qualifications for holding office, and another on the subject of the removal of judicial officers by the Legislature.

Few questioned, in open and distinct terms, the propriety of these amendments; but many insisted they could best be secured by enacting a law calling a constitutional convention, which could, at the same time, make other amendments claimed to be essential for the public good. It is these amendments which are referred to in one of the resolutions of the nominating State convention.

The following extract from the address will enable the reader to understand the issues the convention sought to make at the election:

Extract from the Address adopted by the Convention.

"We proclaim our uncompromising adherence to the debt-paying policy of 1842. It is the policy of integrity, patriotism and public faith. It is the policy which is to redeem the State from her heavy debt and her financial embarrassments, to give her hereafter the control of her now crippled resources, and to enable her to fulfill her high and glorious destiny. We commend, therefore, to the favorable consideration of the people, and those whom they shall elect to office, the constitutional amendments adopted at the last session of the Legislature, and now in course

of publication throughout the State. By them the pledges and guarantees of the act entitled 'An act to provide for paying the debts and preserving the credit of the State,' passed March 29th, 1842, are confirmed; and a salutary restriction upon the power of the Legislature to involve the State in excessive debts, or liabilities, is imposed."

The convention appointed a committee to inform Mr. Wright of his nomination. In reply to their communication he addressed them a letter of acceptance, from which we make the following extracts:

"My strong personal reluctance against being made a candidate for this office, and my settled conviction that I had no right to become a competitor for the nomination, were made public long before the meeting of the convention, and were doubtless known to all the members of that body. My nomination, under these circumstances, is a decision by the convention that my personal wishes in relation to the office should yield to my obligations to the democratic party of the State, whose representatives the members of the convention were; and the unanimity of the expression leaves me no alternative but to yield to the call made upon me. Much of my personal reluctance upon this subject has arisen from a just apprehension, deeply entertained, that, if elected to the office of Governor, I should find myself inadequate to the discharge of its responsible duties in a manner acceptable to those friends who should give me their support for it, or creditable to myself and the State; still, the obligation upon me to yield every personal preference, and even personal distrust, to the unanimous wish and judgment of that great and patriotic party, which has so liberally bestowed its honors and its confidence upon me, is too plain to allow of hesitation; and, if it shall be the pleasure of the people of the State to confirm this nomination by an election, my earnest efforts shall be devoted to the faithful discharge, according to the best of my ability and judgment, of the high duties which will thus be devolved upon me."

After his acceptance of the nomination, a gentleman residing at or near Booneville, on the line of the Black

River canal,* requested Mr. WRIGHT'S view on the subject of the unfinished canals in the State. He was promptly answered, and Mr. WRIGHT gave permission to publish his letter. He said he had nothing to conceal from those for whose suffrages he was a candidate. He frankly informed his correspondent that he should, if elected, adhere strictly to the great principles of the law of 1842 and the financial policy which dictated it. In this letter he says:

"The State convention which has placed me in nomination for the office of Governor has, in the address and resolutions adopted by it, discussed very fully the points upon which your inquiries rest, and very distinctly declared the course of policy which it intends shall govern the action of the candidates it has placed before the electors of the State and recommended for their support. In accepting the nomination tendered to me by the convention, according to my understanding of the good faith of the case, I substantially adopt the great principles and measures and course of policy which that body has assured the common constituency will be advanced and secured by the election of the candidates it has placed in nomination; and could I not conscientiously do that, it would have been my duty, as I think, to decline the nomination; and if not that, certainly in my letter of acceptance to have pointed out to the electors wherein, upon questions so important and so directly interesting to them, my course would differ from that marked out and recommended by the nominating convention. Less than this would not enable the elector to act understandingly in giving his vote, the very object for which conventions, intrusted with the naming of candidates, adopt and publish addresses and resolutions.

"Since the perusal of your letter, I have re-read carefully those portions of the address and resolutions of the State convention, and, so far from finding the obligation resting upon me of adopting the principles and policy there recommended a reluctant or irksome one, I cheerfully subscribe to both, as in my judgment

* Rutger B. Miller.

wise and sound, and most beneficial to the whole State and all its citizens, and all its great interests taken as a whole.

"If you will permit me, therefore, to refer you to these documents, you will have my answer to your inquiries, and a declaration of the policy, in respect to them, which, if elected, I shall feel bound to recommend, as distinctly given as I could give them by repetition.

"I do not find anything in the ground here occupied, and the policy here avowed and advocated, to justify the charge which you say is made against me, of opposition to the completion of the canals of the State, as far and as fast as that can be done without a violation of the public faith, pledged in the great financial act of 1842, and without an enlargement of the present State debt; and if I am charged with opposition to further taxation upon the whole property and people of the State, to meet the interest upon a new debt to be contracted to go on with these works, the charge is just in so far as that I cannot, with the opinions I have hitherto entertained, and which yet remain, recommend additional taxation or increased public indebtedness for those objects, any farther than the people of the State, upon a specific reference to them, shall give their assent to the increased burdens upon themselves.

"No apology, certainly, was required from you for addressing to me the inquiries contained in your letter; nor have I any right, any more than I have a disposition, to place an injunction upon my answer to them. I occupy the position which has called out your letter, as I presume you are aware, under the strongest personal reluctance; but neither you nor any other citizen of the State, who has a tax to pay or a vote to give, is any the less entitled, on that account, to the full and frank expression of my opinions upon all questions of public interest; and your inquiries relate to questions peculiarly of this character.

"It is a matter of just congratulation that the canal revenues are so strongly improving; and whenever the current revenues of the State shall furnish a surplus, which can be applied toward the completion of the unfinished canals, consistently with the pledges made of these revenues by the law of 1842, I do not

suppose there will be two opinions in the Legislature upon the question of recommencing and completing these works."

With these views and those contained in his letter of acceptance, of a similar character, before the people, no one could mistake or doubt the ground upon which he stood. Every elector understood his position. It was that of the financial and canal policy presented by him in the State Senate in 1827. While Governor, he firmly adhered to the principles thus announced. He never changed his views upon these subjects.

During the canvass that followed the nomination, a decayed accusation was galvanized into life which had been made and refuted in 1824. It was both venemous and untrue. It charged that, in 1823, when a candidate for the State Senate, he gave a solemn pledge, on the subject of the electoral law, which he deliberately violated after his election.

As this is the only instance in his whole life where he has been accused of acting in bad faith, we present at length a defense so conclusive that no fair mind can doubt that he did not make any pledge whatever, nor violate it, if he had actually made one.

Richard W. Colfax, of Morristown, St. Lawrence county, sent a communication to the New York Tribune, reviving this exploded and stale charge of a "pledge" and its violation. He said he was "*personally* acquainted with the circumstances which led to his [Mr. Wright's] nomination, and the manner in which his solemn pledge was obtained to vote for the 'electoral law.' I proceed to give a more detailed account than has yet appeared in print." With such a commencement, his readers must have been astonished, if not indignant, to learn from his production that he really knew, "personally," nothing about either, and that he, in fact, had no more information concerning them than other well-informed individuals probably had, nor as much. He shows the strength of

his memory when he says that a letter was received from some leading men in Washington county, addressed to the "county corresponding committee" in St. Lawrence county, "or to some four or five of our most influential men, I am not entirely certain which, stating in forcible terms that unless a *pledge* could be obtained from Mr. Wright of his determination to vote for said law, if elected to the Senate, his election would inevitably be defeated." After indulging in strong disparaging epithets against Judge Roger Skinner and Martin Van Buren, he continues as follows: "The 'democracy' of old Washington were not willing to trust a man brought up in that school, and who had so recently *graduated* with high promise of becoming an adept in the science of political cunning and deception. The gentlemen to whom the communication was sent proceeded forthwith to Canton, the residence of Mr. Wright, and announced to him the object of their visit — the particulars of which were soon after communicated to me by one of their number, the late Frederick W. Attwater, Esq. The interview with Mr. Wright was perfectly satisfactory to the committee. Mr. Wright gave them all the satisfaction they desired. He 'said he was a *democrat* and had been one; that the choice of electors belonged of right to the *people*, and not to the *Legislature*, and the only wonder in his mind was, that they had not long before demanded the restoration of this long withheld authority.' He offered to give them in *writing*, if more satisfactory to them, any pledge for his fidelity that they might choose to ask or dictate. To which they replied, that they (the committee) had not called on their own account, but to satisfy others; that for themselves they entertained no such unjust or unworthy suspicions; and farther, that the election was so near at hand, it would be *impracticable* to *publish* and *circulate* his pledge in any newspaper in the district, unless the editors of the

St. Lawrence Gazette (published in Ogdensburgh) would be sufficiently courteous to admit its purport in their columns." Here is conclusive proof that Mr. Colfax knew nothing of the matter in question of his own knowledge, and what he had known on the subject was derived, more than twenty years before, from a talented and worthy lawyer, then long since dead. It also distinctly and conclusively appears, from this Tribune communication, that no pledge was requested or given. On the contrary, the committee declined to receive one, although, as he says, Mr. Wright could not be elected unless he gave one. The allegation that Mr. Wright offered to sign such a pledge as the committee might "ask or dictate" will never be credited by those who knew him, and of his care, if not fastidiousness, in the use of language. All that he did say, as he often affirmed, was, that if he should be addressed on the subject "he would answer." This communication affirms that Mr. Wright basely deceived his friends, and as basely betrayed his constituents. A witness who should volunteer, in court, to indulge in so many unfounded imputations against one of the parties to a suit, as this man has done, and all upon mere hearsay from others, would never secure the confidence of, or be believed by, any tribunal whatever. Fortunately for the cause of truth and Mr. Wright's fair fame, the libels of Colfax are susceptible of refutation by a living witness. His communication states that "the gentlemen spoken of as constituting the committee which waited upon and obtained Mr. Wright's pledge have descended to the grave, save one." That one was Mr. Judson, heretofore referred to, and whose letter, then published, we have copied. Although far advanced in years, he still lives and resides at Ogdensburgh, and is there spoken of as "the war-horse of the democracy," because of his long devotion to, and extended labors in supporting, democratic principles.

From his letters, written when Mr. Colfax's communication appeared, and soon after, the truth concerning these imputations will be established from his actual personal knowledge. His statements are in harmony with the traditions among the democracy of the county, and confirmatory of the oft-repeated allegations of Mr. Wright, and of the Author's recollections, he having been at the time a law student in Mr. Wright's office.

In a written statement drawn up on the 10th of October, 1844, Mr. Judson says he was one of the committee which waited upon Mr. Wright at the time mentioned in the Tribune article referred to above. He then says:

"That Mr. Wright should demean himself so much as to offer to give in writing any pledge for his fidelity the committee might *ask or dictate*, scarcely requires contradiction; and yet this is the only material allegation. Certainly no such offer was made. That at that time Mr. Wright expressed himself favorable to the alteration of the law, and in terms as strong perhaps as this writer uses, is true. The drawing from him an expression of his views in writing, by addressing him a note on the subject, was suggested but waived, not from any objection on his part, but because it was deemed equally effective to make his sentiments known through the district by our own action. That was done, and, among other means of doing it, an article was inserted, editorially, in the St. Lawrence Gazette, much of the character stated by this writer, though I apprehend (I believe I penned it) it will be found to read much as follows: 'that the editors were authorized to say that Mr. Wright was, in principle and feeling, in favor of giving to the people the choice of electors, and would, if elected, support such a law.' How far such a declaration was tantamount to a pledge is not the question, but whether it is true, as charged, that a 'solemn pledge' was given. This writer's own statement, from his 'personal knowledge,' *derived from another*, shows that such was not the fact. It may be appropriate to say that Mr. Wright's nomination was made by the democracy of the county, irrespective of any prior divisions among them, as Bucktails or Clintonians, without reference to the presidential

canvass, or to his preferences for either of the candidates named; that the altering the law in relation to the choice of electors was particularly pressed by the friends of Mr. Adams, but that Mr. Wright's support of that alteration, or his views in favor of it, were not, at any time, so far as I know or believe, put forward, as having anything to do with the success of either of the candidates, but only on the ground that it was in consonance with democratic principles. Mr. Wright's action on the subject is sufficiently known. Let those who urge that the proposition he advocated, of giving the people the choice of electors, to be elected by a majority, was 'ridiculous and preposterous,' recollect that the majority principle is the governing one in the eastern States, where he had all his early impressions; that such is the rule of action under the United States laws in relation to the only officers elected under them — the very officers as to whose election the measure in question was to operate; that in truth it is the only manner in which the republican doctrine of the majority principle is strictly carried out, and it will require no great stretch of charity to believe Mr. Wright sincere in proposing it. I believed then, and believe still, that there should have been such concessions to each other's opinions, on the part of the Senators, as to have passed the law, even with objections to its details, relying upon experience for their correction; but that Mr. Wright's proposition was 'ridiculous and preposterous,' it is ridiculous and preposterous to assert; and that he violated any express pledge, 'solemnly given' or otherwise, is untrue. None such was given; nor was it so put to the public by the committee, collectively or individually, so far as I know or believe.

"D. C. JUDSON.

"*October* 10, 1844."

It will be observed that Mr. Judson speaks of the committee making Mr. Wright's "sentiments known through the district by our own action." The letter heretofore given, copied from the Plattsburgh Republican,* shows how Mr. Judson performed his share of the labor, and what was, in fact, "communicated to the public."

* *Ante*, page 82.

These communications from Mr. Judson show conclusively that no pledge was solicited by any one, or given by Mr. Wright on any subject, but that he was unalterably opposed to choosing electors in any mode other than by general ticket. And although Mr. Crawford was not his favorite candidate, inasmuch as, if elected to the Senate, he would have made a choice with reference to surrounding circumstances, he declined to say which candidate he preferred. He thought, and justly, that it would not become him "to commit himself by any pledges resulting from his individual partialities or prejudices." In this remark, it is evident that he intended that his individual preferences would be made to yield to the action of his political friends, manifested in the usual way by the democratic party, through a congressional caucus, or recognized authoritative convention in the State. Such was his own understanding of his conversation with Mr. Judson and others. He then, as through life, respected the usages of the party to which he belonged, and readily yielded his own preferences to those of the majority of his political friends, properly expressed. This is the general rule of action with all political parties in this country.

In a letter to the Author, dated November 5, 1847, soon after the death of Mr. Wright, Mr. Judson says: "Among the efforts made throughout his life to stigmatize him [Mr. Wright], none has been more perseveringly pursued, or perhaps more successfully, than the accusation that he *pledged* himself to support *the* electoral law in 1824 and failed to do so. The injustice of the specific charge of forfeiting a 'pledge solemnly given' has always been known to me; and I have in past times, particularly when Mr. Tallmadge made and pledged himself to substantiate the charge, hoped for a favorable opportunity to do him justice, being aware that I must be appealed to on the subject. No such opportunity was

afforded me," until 1844, when he answered the assault of Mr. Colfax, in his letter above given. Then he obtained the printed copy of his letter, written and published at the time, which refreshed his recollection and enabled him to do ample justice to Mr. Wright. From positive, personal knowledge, he denies and refutes all the imputations made on the subject. It may be safely averred that Mr. Wright never gave any pledge, either not to support Mr. Crawford, or to vote for the electoral law.

In the second volume of his "Political History of New York," Mr. Hammond revived the accusations against Mr. Wright, of making and violating his solemn pledge. But in his third volume, published the year after Mr. Wright's death, he manfully admits his error and does him justice. At page 44–5 he says:

"It is sufficient to remark that Mr. Wright, whenever and wherever this question was agitated, frankly declared his opinion in favor of the election of electors by the people by general ticket. In the volume just referred to [volume 2], at page 53, we intimate, although we do not expressly affirm, that Mr. Wright *pledged* himself, previous to the election, that he would, if elected, support a bill giving the people the right to choose presidential electors. In this we were mistaken. It is true that such was the current report in Albany, where the Author then resided, both before and after the election, and it was not, to his recollection or knowledge, then contradicted, which undoubtedly produced the impression on his mind under which he wrote. We have now before us indubitable evidence that no *pledge* was given or required, independent of Mr. Wright's frank and unreserved declarations to those with whom he happened to converse on that subject. Besides private letters now in our possession from gentlemen of unquestionable veracity in St. Lawrence county, we have seen extracts from the St. Lawrence Republican, then a neutral paper, and a slip from the Plattsburgh Republican, dated October 23, 1823, from which it is evident that no pledge was ever given or demanded of Mr. Wright."

The accusers of Mr. Wright speak of *the* electoral law, as if there was one which had already been framed, upon which all favoring a change had agreed. But nothing of the kind existed. There were four different modes by which the general proposition, to which there was such a general assent, could be carried out — by general ticket, and by majority or plurality; and by districts, with a majority or plurality. Mr. Wright had expressly informed those who nominated him, and those who called upon him to learn his opinions, that he was in favor of electing by "general ticket," and that "no circumstances could induce him to alter or to refrain from supporting" such an electoral law. Whether it should be by a majority vote or by a mere plurality, it seems was never spoken of by any one. Mr. Wright claimed that he expected that it would require a majority to elect, and that such was his intention and understanding, and that where he had been brought up it required a majority to elect; that it was so in all matters in all State Legislatures and in Congress in making laws or appointments; that it was so when the electors voted for President and when the House of Representatives elected him; it was so when the Legislature chose electors for President and Vice-President, and when the Senate elected a Vice-President; that nowhere were laws made by a plurality of members; that the fundamental maxim in this country was, and such is the true democratic principle, that the majority should govern, and that nowhere was it held a plurality, or in other words, that a minority, should govern. Such was his understanding of his conversation and the reasons which induced him thus to construe his own words. What he actually said and did in the Senate on this subject has been shown in a former part of this work.*

We have thus presented to our readers the charges and

Ante, page 58.

their complete refutation, as well as what did actually occur, as incidents of the canvass, which will enable them to understand the whole matter. They will see that the vindication of Mr. Wright is perfect. We now give Mr. Wright's own account of it in a letter to a friend:

Mr. Wright to A. Hunt.

"Canton, 20*th September*, 1844.

"My Dear Sir. — Your note of the seventeenth came to me last evening, together with the paper you sent. I have read the article, and although I do not apprehend much danger from the renewal of the discussion of that old matter of the electoral law and the *inglorious seventeen*, about all which the deliberate judgment of our democracy was so soon and so decisively pronounced, after the excitement of the moment had passed away, yet it will doubtless be expected by your subscribers that you should notice the article.

"I have no friend by me whom I can ask to do the service you suggest and who is ancient enough to be acquainted with these transactions. A late number of a newspaper in New York, called the Times, or perhaps the Morning News, in a late number, published an article upon this subject in reply to the Tribune, which I think was most excellently done. The paper was sent me, but I have parted with it, and I cannot find a copy in this place. I have an impression that the entire article was copied into a late Argus, but it may be that only extracts from it were made. If you can find the News' article, it will be better than anything I could write myself at this distance of time, and without any of the documents to refer to, and I have determined not to write for the press, in any event, while I occupy my present position. I think the paper containing the article reached me about two weeks ago, but it may have been a little earlier or later. If you do not get that paper you may find the article in a later Argus, and I should suppose it would be very likely to be copied into some of your exchange papers.

"It starts upon the true basis, viz., that the election of the Legislature, whose duty it was to appoint electors, had been

fairly made, and a large majority of both Houses being supposed to be friendly to Crawford, and that Mr. Clinton and his partisans got up the excitement for the purpose of overturning that decision of the people and having a chance for another trial, when they hoped, through the multiplicity of candidates (Messrs. Adams, Crawford, Jackson, Clay and Calhoun all calling themselves democrats, and urging their claims as such, though Adams alone was supported by the federalists everywhere), to divide and fritter away the vote of the State, if they could not give the whole to Adams, — for Mr. Clinton himself was then an Adams man, and did not come out for Jackson until after Mr. Adams had formed his cabinet and entered upon the administration.

"That Legislature proved to be very much like the late Baltimore convention, and a large majority of the House, and all but a majority of the Senate, entered into the conspiracy. The consequence was, that the popular mind was maddened, as in 1840, and we, the 'seventeen,' were thrown into a position of apparent resistance to the popular will, and were made very odious for a single session, while the excitement could be kept up, and I was so distinguished as to be hung and burnt in effigy at Ogdensburgh, in my own county. Our party was literally routed that fall (1824), electing but about forty members of the Assembly and one Senator, I think. By the next fall the public mind had become calm and we elected a large majority of both branches of the Legislature, Mr. Clinton being Governor. After that election he came out for Jackson, as a candidate against Adams, who was in office, but he died before the presidential election.

"In the fall of 1826, I was run for Congress in this district, consisting of Oswego, Lewis, Jefferson and St. Lawrence, and was elected by some 500 majority, with Mr. Bunner of Oswego, the district being double. This was the first occasion upon which any of the seventeen had been a candidate before the people, and the whole force of that proceeding was used against me, and with the utmost confidence of success on the part of the federalists, to the last. They found, however, that the humbug — as the log cabins and hard cider of 1840 are now — was worn out; that the democracy had come to understand and appreciate our motives and to be willing to adopt our act. Gov. Yates got fright-

ened and called the Legislature by proclamation, in the very face of the Constitution, as no extraordinary occasion had arisen, and he expressly called us to act upon a subject which had occupied almost our whole time at the annual session, and which we finally and definitely disposed of. We said so, and refused to act, and his course killed him with the democracy that same fall, 1824, and Young was nominated in his place; though Mr. Flagg and myself and Mr. Keyes, and Mr. Goodall of your county, adhered to him to the last.

"In 1828, I was again run for Congress and elected, though Judge Keyes on the ticket with me and both our electors for the district were defeated. At this time, although the judge and myself were both of the seventeen, the subject was scarcely mentioned by the federalists, though it was claimed as a merit by the democrats. Mr. Hammond, the historian quoted from, was, during all the period of 1824, 1825 and 1826, the mere tool of Mr. Clinton, and was sent by him to Washington ostensibly as an agent of the State to settle its war claims, but really as the representative of Mr. Clinton there, he then having his eye upon the presidency. While there, and I think in the winter of 1826, Mr. Hammond, as Mr. Clinton charged, sold him out to Clay, and from that time to Mr. Clinton's death they became bitter enemies. I have never read Hammond's book, but I am told Mr. Clinton is roughly handled in it. I mention these things to show the standing and probable impartiality of the historian, who is made authority in this case. His statement that I made any pledges, upon the subject of the electoral law or any other subject, at the time of my election to the Senate in 1823, is false, as he evidently knew by the language he used: 'Mr. Wright, previous to his election, had given the people of the fourth district to understand,'—not charging a pledge in direct terms; and yet closing, 'all this maneuvering was for the purpose of exhibiting an appearance of having redeemed *that pledge*.' * * * * *

The editor states that I voted for Mr. Cramer's proposition to give the choice of electors to the people by general ticket, and then proposed that the electors be chosen by districts. I am confident the last statement is false. It is dangerous to speak from memory, after twenty years, but I am sure my proposition was

to choose the electors by the general ticket, requiring *a majority* of all the votes to elect, and an election by the Legislature, in case the board should not be elected by the people by a majority. This is my recollection, and it is confirmed by an extract from my speech made in the News' article to which I have referred. The reason of so framing the proposition was that it was known to be the design, if a law passed, to form an electoral ticket for all the candidates except Gen. Jackson, who had no party in the Legislature, nor, indeed, had he in our State at that time, and, between so many tickets, the federalists felt sure they could carry a plurality for Mr. Adams, in whose favor, many of our democrats, emigrants from New England, then were. We did not intend, by maneuvering of this sort, that the vote of the State should be given to a minority and a minority party both together, as all the supporters of Clay and Calhoun were among our republicans. I well remember that all my efforts and arguments were to keep the vote of the State together and not divide and fritter it away, and I therefore think I could not have made a proposition to elect by districts. I think that one was made and that I voted against it. If you have Hammond's book you can see what my proposition was, as the second extract made in the article speaks of it 'as the preposterous and ridiculous scheme contained in the section of his amendment that I have quoted.'

"Another mistake of the article is that 'Byram Green' was one of the seventeen at all. He was not, I am entirely sure; and here again Mr. Hammond's book will show you if I am right or wrong, as it would seem that the names are given at the close of that extract.

"Again the article says, 'the rest of them were consigned to merited oblivion.' Jonas Earle, Jr., now on the State ticket as Canal Commissioner, was one of them, and has been in Congress four years, and in other public offices almost ever since. Edward P. Livingston was another of them, and the very man named in the extract from Hammond, made Senator again afterward, and subsequently Lieutenant-Governor. Judge Keyes was another, whom you knew well; and Alvin Bronson, of Oswego, is another, and I think has been elected to the Senate since; and Heman J.

Redfield, the president of the late State convention, was another, who has been offered and declined the Circuit Judgeship of the Eighth Circuit; and Walter Bowne, of New York, since Mayor of the city, was another. The names of others do not at this moment occur to me, and several are not living, as Mr. Livingston is not." *

* For the residue of this letter, see pages 114–116.

CHAPTER CXXI.

VIEWS OF THE NOMINATION FOR GOVERNOR AND OF PRESTON KING'S COURSE.

It was known to all his political friends in the State, and especially in St. Lawrence county, that Mr. WRIGHT did not wish to be nominated for the office of Governor, and that he strongly doubted the policy of selecting him and of his acceptance. He so expressed himself freely and without reservation.

At that time Preston King was a member of Congress, representing the St. Lawrence district. He had served one term and had just been elected for another. Residing in the same county with Mr. WRIGHT and professing the same political faith, it was natural for those residing elsewhere to suppose he represented his real sentiments, wishes and private judgment, while whatever floated in the newspapers and in the public mind might be erroneous. No one could believe that Mr. King would be advocating a course hostile to the real views of Mr. WRIGHT nor in opposition to his actual wishes and decided judgment. The suggestions of Mr. King would, without regard to his disclaimers, be taken as indicative of the unpublished wishes of Mr. WRIGHT.

The following letter from Mr. WRIGHT to his life-long friend is marked "private," and will explain itself:

MR. WRIGHT TO ERASTUS CORNING.

"CANTON, 11*th September*, 1844.

"MY DEAR SIR. — I should have answered your letter of the thirteenth of August, written from Buffalo, long since, if it had reached me before I left home on my tour west, but before my

return my letters had accumulated to such an extent, the most of them containing pressing invitations to attend meetings, that it has required every hour I could command to reply to them. Events too, had rushed on so rapidly, in reference to the subject upon which you wrote, that by the time of my return my position had become fixed beyond my power to change it.

"I do not suspect Mr. King of a want of friendship to me, but I was astonished to meet, in Onondaga, another of his letters, of the same purport as that you mention, and evidently written to produce a result which he knew I was anxious above all things to avoid. I hastened home, but it was too late to arrest the mischief done. He avowed his object; said he knew I should remonstrate if I knew it, but that the thing had become indispensable and the State could not be carried in any other way.

"In my draft of my published letter I said I would not accept a nomination, under any circumstances. Our friends at Ogdensburgh, including those who had been uniform friends of Gov. Bouck, resisted its publication, and sent it back to me, saying I had no right to go that length; that a state of things might arise which would induce the convention to lay aside all other candidates and unite upon my name, and such a nomination I had no right to decline. A paper was passed, which delayed my publication a week, in consequence of our disputes upon that point, and I finally consented to modify the letter as you saw it, believing, as I verily did, that it would put an end to the use of my name, as it certainly should have done. Under that reliance I left home, and found, for the first time, in Onondaga, that Mr. King had been writing these letters, saying that I would not decline if unanimously nominated. I told him that it would be believed that he had written these letters with my knowledge, if not at my suggestion, and he said he had guarded against that inference, by saying, in all cases, that I knew nothing about it. I told him the mischief would be the same, in any event, and his reply was, the mischief was unavoidable, because no other name could produce harmony.

"No event in my life has given me so much unhappiness, and my good wife is made really sick by the result. It is too late now I know, either to complain or grieve about it, as it is to

retrieve my error, which was, in not coming out to the public last winter and saying I would not have the office. I was restrained then, because I was assured that such a step on my part, at that time, would at once bring your schisms in the Legislature to an open breach.

"But I will not trouble you now, when it is all too late, with these details. Let me assure you that, so far from taking exceptions against you or any of our friends for favoring the renomination of Gov. Bouck, those were the persons who were far more favoring my wishes than those who persisted in the use of my name against my most earnest entreaties, if not positive interdict. If I had felt at liberty to urge you as my friend, it would have been to pursue that course. You must not suppose, therefore, that I am now to find fault with it.

"I do not now recur to any of these things to open again discussions about them, but make these explanations to you, because they are due to your uniform friendship and to your frank letter, and I intend them only for your eye and for your personal satisfaction.

"Mrs. Wright joins me in affectionate regards to Mrs. Corning and yourself and the boys, and we both feel, that should we be called upon to become your neighbors under the circumstances now before us, that which otherwise would be esteemed a great pleasure, will be the greatest misfortune of our lives. At least so we think is the prospect.

"I am truly yours,

"SILAS WRIGHT.

"Hon. Erastus Corning."

To what extent Mr. King sent letters, of the kind referred to, over the State, cannot now be known, and no conjecture is likely to approximate the actual fact. It is probable they were scattered broad-cast and produced corresponding consequences. It must have given Mr. Wright great pain to learn that his trusted friend, who, he had a right to suppose, was devoted to and sustaining the wishes of his heart, had been devoting himself, in the manner indicated, in thwarting them. It was poor con-

solation to be coolly told by the author of the mischief that it was "unavoidable." It will strike no one with surprise that Mr. Wright was "astonished" to find that one, who was so well known to profess devotion to his wishes, had been actively engaged in writing and sending out letters "evidently written to produce a result which he knew he was anxious above all things to avoid."

While some may pardon the vanity of a young man in setting up his judgment, on political matters, against that of the safe and unselfish opinions of Mr. Wright, few will commend that friendship which is manifested in endeavoring to defeat the known wishes of a friend. Fewer still will be satisfied with the unsustained excuse that their defeat was "unavoidable," when the mischief complained of was intended to render such defeat in fact "unavoidable." Nor is the aspect of the matter improved by avowing the object and admitting that he knew Mr. Wright would "remonstrate if he knew it." The character of the transaction is not changed for the better, when we know that it was intended to be concealed from the open-hearted man to be affected by it. The oft-repeated untruth, that "all is fair in politics," has, heretofore, always been limited to adversaries, but now for the first time it seems to have been extended so as to include political friends. How many have had their wishes defeated or have been prostrated or destroyed by this new use of the term "fair," can never be known; but its application to Mr. Wright will mark an era when it occurred, if it does not distinguish him who seems to have first applied it. If a large number of such letters, as referred to by Mr. Wright, were written by Mr. King to different parts of the State, the reason of the nomination having become "unavoidable" cannot be a matter of doubt.

CHAPTER CXXII.

MR. WRIGHT'S PROPHECY AT MALONE IN 1844

The election of 1844 would determine whether the democracy should return to power or the national administration should pass into the hands of their adversaries. In New York it was to settle the financial policy of the State, whether it was to be debt contracting or debt paying. The tariff on foreign importations was also involved. The democrats favored a revenue tariff bill, and their opponents, with Mr. Clay as their standard-bearer, urged one which should include the principle of protection of specific interests. The people, even in distant States, wished to hear Mr. WRIGHT on these topics. He was urged to visit Tennessee, where similar questions were agitated. In New York he was invited to numerous places to address mass meetings. Among others he accepted one to appear before the people of Franklin county, at Malone, in July. The Author also attended. Mr. WRIGHT'S address was not reported. But a gentleman from Plattsburgh, after the death of Mr. WRIGHT, in a criticism upon Mr. Jenkins' biography of him, in a communication to the Plattsburgh Republican, makes the following remarks, which the Author now calls to mind:

"It is well known that the democratic party were divided in sentiment as early as 1842 upon the policy to be pursued in relation to the canals of this State, and Senator WRIGHT favored the 'stop and pay' policy adopted that year, which placed the democracy of the State upon a firm basis for years.

"In the spring of 1844 Mr. Polk was nominated to the presidency, and Senator WRIGHT was afterward nominated for Governor of this State. Meantime, in the month of July, a mass meeting was held at Malone, and Senator WRIGHT was advertised as one of the speakers for the occasion. Being anxious to hear so distinguished a man address the people upon the questions of

national importance then in agitation, several persons from this village went out to hear him, myself among the number.

"The topic mainly discussed by him was the practical operation of the tariff system upon the production, consumption and industry of the country, and the difference between the protective system, urged by Mr. Clay and the whig party, and the revenue system, as advocated by Mr. Polk and the democratic party. He had previous to that time delivered in the Senate and published his celebrated speech upon the same subject, which gave more light and information on it than all other speeches and pamphlets in or out of Congress; but on this occasion his speech was purely extemporaneous, of entirely a different order and arrangement from the published speech, and by a different mode of argument came to the same conclusion that protective duties were injurious to all interests and classes.

"His remarks were distinguished for method and clearness of argument, attractive language and unsurpassed ability. This was the last public speech but one he ever made before a popular assemblage. At its close he begged leave to call the attention of the people to the fact that his name was mentioned in several of the newspapers in connection with the office of Governor of this State, and said that he sincerely hoped that his friends would name another for that office, for he believed that the democracy could elect their ticket regardless of personal considerations; that he feared his acceptance of the Governorship would *eventually* prove most disastrous to himself, owing to '*certain elements*' then known to exist in the party. Being ignorant of the existence of those elements and their tendency, this prophecy or apprehension expressed by Senator Wright on that occasion was considered of little importance. But he accepted the nomination and was elected by over ten thousand majority, was renominated in 1846 to the same office, and was defeated by the 'elements' referred to in his speech at Malone in July, 1844. The people in this section of the State know well who and what faction defeated him in 1846, and he, in 1844, knew *what elements* would be set at work to defeat him whenever he came within their reach.

"His biographer, however, remarks that 'Mr. Wright was no orator — his voice was not good.' The opinion of the Author is at variance with the opinion of all who ever heard him address

a popular body. While in the Senate no member of that body commanded more crowded houses or was listened to with greater attention and satisfaction. His voice was clear, strong and dignified, his language choice and brilliant, his pronunciation agreeably deliberate and impressive, his argument lucid and convincing, and every sentence contained the best ideas, conveyed in the best language and uttered in the best possible manner. He was master of his subject and master of his audience. No matter how dry and abstruse the subject, it was brought to the comprehension of his audience, and from first to last every sentence created a desire on the part of his hearers to listen to the next. Mr. Wright was no declaimer; and if declamation be essential to oratory, he was no orator. His mind was of too high an order and too well stored with useful information, both acquired and reflective, to be wasted in declamation. Read his speeches in connection with those of any other American statesmen, or even by the side of the great masters of British eloquence, and for *brilliancy*, *power* and *information*, he excelled a Fox or Pitt, a Clay or Webster."

From the commencement of agitating the question of his nomination for Governor, Mr. Wright entertained the clear opinion that this movement of his friends would prove destructive to him and end in their own disappointment, and the eventual overthrow of his party. He knew what elements existed, and from experience and observation he calculated with accuracy how they would be combined and brought to bear against him and the policy he represented. Although he never doubted the utility and ultimate ascendency of the principles he defended, he foresaw that other and oft-condemned theories would be awakened and made to serve a temporary purpose in New York to secure the prostration of his envied ascendency, both there and throughout the Union. The blow came, but proved far more fatal to those giving it than to him. On the day of his death he was the best beloved and most popular man in the State and nation, and but for his death he would, as we believe, have been our next President instead of Gen. Taylor.

CHAPTER CXXIII.

MR. WRIGHT ELECTED GOVERNOR.

The whigs selected, at their convention on the eleventh of September, their best man to compete with Mr. WRIGHT. No man in their party stood fairer than Millard Fillmore. His talents were of a high order, his knowledge extensive, his experience in public business great, his private character was above reproach and his manners prepossessing. He was a fair representative of the opinions and wishes of his political party in its better days. He had no connection with any special political sect whose votes could be made accessory to his success. He was, as he claimed to be, a whig devoted to the interests of his party. He and Mr. WRIGHT were, during the canvass, treated as fair representative men, whose private characters were unassailed, while the presidential contest brought various collateral questions into view, some of which excited a great if not controlling influence.

Prior to his nomination, Mr. WRIGHT took the field in favor of Mr. Polk and addressed the people in several counties. When presented as a candidate for Governor he relinquished numerous appointments for "field preaching," as he termed it. Neither he nor Mr. Fillmore, after their nomination, addressed the electors upon the questions involved in the election.

The election resulted in favor of the democratic State and national tickets. Mr. WRIGHT'S majority over Mr. Fillmore was 10,033.

Mr. WRIGHT ran some 5,000 ahead of the democratic electoral ticket, which is readily accounted for without

supposing that his friends had acted unfairly toward Mr. Polk. Mr. Wright was exceedingly desirous that his friend should be elected. If he did not succeed, the measures he had spent years resisting, in the Senate of the United States, would probably be adopted, and those which he had long advocated would be superseded or fail. These affected the whole Union, while his own success in New York could neither control or influence the result. His leading his ticket was occasioned by his personal popularity and the confidence which men had in the soundness of his views with regard to the financial affairs of the State. These considerations induced many whig electors to cast their votes for him. In St. Lawrence county he ran forty-eight ahead of his ticket, and in the city of New York, where the annexation of Texas was favored by the mercantile interests, 1,652. In other localities similar results occurred.

CHAPTER CXXIV.

THE POLITICAL SITUATION WHEN MR. WRIGHT BECAME GOVERNOR, AND SOON AFTER.

Mr. WRIGHT entered upon his duties as Governor of New York on the 1st day of January, 1845. Although the political skies, to the common observer, seemed clear and bright, he saw sundry clouds in them which increased in size and portentousness on the fourth of March, when the federal cabinet was formed in disregard of his advice, given, on express invitation, with wisdom and candor. Others who observed closely, and reflected with profound sagacity, read the weather-omens with distrust and misgivings.

Gov. Bouck had left the executive chair when dark and fearful clouds were shutting down around the counties of Columbia, Delaware and Rensselaer, where the anti-rent feeling was wide-spread and intense. In the first named county the life of a citizen had been taken by those resisting the service of civil process by the sheriff, and the militia had been called out to preserve the peace and to aid the civil authorities in the performance of their duties. No consideration could induce Gov. WRIGHT to omit the duty of enforcing the laws, in letter and spirit, as he had sworn to do. This naturally combined all the anti-renters in the State against his administration. Although they conceded that he was honest, just, and only performing his duty in enforcing the laws, yet, in conformity to an instinct of the human mind, they allowed their resentments to overpower their sense of justice and took ground against him.

The adoption of the general free banking law of 1838

had not swept away the feelings of hostility which his opposition to State banks while a State Senator and Comptroller, and his powerful series of articles in the St. Lawrence Republican, in 1837, called "The Times," had excited against him among banking men, stock dealers and their friends, aided by the press under their influence and control. This was a powerful interest, and included many democrats who acted firmly with the party on most other questions.

Those banks which had been depositories of the moneys of the federal government under the act of June 23, 1836, which had failed to fulfill their duties by the suspension of specie payment in 1837, and which were superseded by the independent treasury act of July 4, 1840, presented, defended and carried through the United States Senate by Mr. Wright, had never, in reality, become satisfied with his course in calling attention of the public to their folly and bad faith in "The Times" articles and in discussions in the Senate. The managers of these banks and their friends never forgave him for the sagacity, wisdom and firmness of his course, even those who claimed to be democrats, and to agree with him on other political questions.

Mr. Wright had been considered the father of the debt-paying policy, and a sturdy opponent of the debt-contracting system to aid in the construction of unproductive canals, and especially to promote individual speculations as a leading object. As State Senator and Comptroller, he had laid down on these subjects those rules which lead, with unerring certainty, to success and State prosperity. To these he firmly and steadily adhered. These principles, when recognized and carried out, as they had been, often interfered and defeated individual hopes in plans of advancement and successful speculation. Anticipated fortunes, to spring from debt-contracting legislation, vanished before these stern principles, like

the day dreams of a visionary, when he awakes to conscious reality. Many of these were firm supporters of democratic principles in everything else. But a portion of these allowed prejudices to become their masters, and swayed them against Gov. Wright. The hostile influences, thus induced and exercised, were confined to certain localities and did not extend over the entire State.

Mr. Wright's anti-debt policy disappointed the hopes of a large and active class of men whose business is largely that of buying and selling State stocks, from which they derive great profits. When the State contracts debts extensively, the profits of this business are large, and those who defeat the contraction of debts are looked upon by this class, many of whom are democrats, as enemies and treated accordingly.

When Mr. Polk selected Gov. Marcy to manage the War department, it was natural that all these various interests should unite with his numerous friends, who were looking to his future elevation to a higher position in the federal government, and thus form a quasi combination (although claiming to be democrats) who failed to wish Gov. Wright so much success in the administration of the State government as to eclipse the prospects of the Secretary of War for further elevation. Without intending to embarrass Gov. Wright, or wishing to promote the interests combining against him, Mr. Polk essentially aided their purposes by allowing them to control a large share of his patronage in the State. They were enabled to point to this as evidence that they enjoyed the special confidence of the federal administration, which had been withheld, to a considerable extent, from Gov. Wright and his friends.

Although these things were calculated to mislead the public mind, the great body of the democratic party, in solid phalanx, stood by Gov. Wright and gave him and his measures the support to which, by their merits, they

were entitled. They admired his principles and the firmness with which he sustained them on all occasions, and were proud of him as their Governor. Those democrats who failed to yield him cordial and efficient support seldom indulged in open opposition or outspoken complaint. If their numbers were small their activity was great, and exerted in a manner not calculated to arouse suspicion or provoke resentment. Such was the actual political situation in the early days of Gov. Wright's administration. When we consider the powerful open opposition, and that an active portion of his own party, whatever their public professions might be, were quietly (if not secretly) marshaled against him, the success of Gov. Wright's administration was remarkable.

Chapter CXXV.

First Annual Message.

The great length of Gov. Wright's first message induced him finally to omit all that part which he had prepared relative to banks and the business of banking. Beyond the annunciation of important financial principles and great political truths, our readers would fail to be interested in it if copied. We therefore limit ourselves to such extracts as must interest readers at all times.

"Opening Remarks.

"The Constitution makes it my duty to communicate to you the condition of the State, and to recommend such matters for your consideration as I shall judge expedient.

"The great and diversified interests of the State, demanding legislative supervision, protection and aid, impose a vast responsibility upon the Legislature; while to present the condition so fully to you as to facilitate your labors, accompanied with recommendations calculated to lead you to wise and just conclusions, is a task not less responsible. It is one upon which I enter with diffidence; and yet I make the attempt cheerfully, feeling that the duty has been assigned to me by a constituency always indulgent to honest effort and upright intention, and which never demands from a public servant more than, thus aided and directed, he is able to perform.

"The great and leading objects of legislation are so intimately connected with the state of our finances as to render it proper to examine first the financial condition of the State.

"Our revenues are large, and should be ample for a State having only the expenses of its internal government to meet. If they prove unequal to our necessities, the inference will be almost

unavoidable that errors now exist or have existed in our financial policy and legislation."

He then makes an extended exhibition of our State finances, which would enable members of the Legislature fully to understand them if they desired to do so. He then presents

"Financial Principles and their Consequences.

"If this be a correct representation of the means and liabilities of the Canal Fund for the current year, there would seem to be an end to discussion as to the appropriation of these means to any other object than the payment of the debt, unless the payment is to be postponed. I have already expressed my views in relation to such a division, and I am constrained to believe that, whether considered as a question of principle or one of economy, the policy would be equally unsound.

"Our canal revenues are very large, and nothing but the enormous debt charged upon them keeps the fund so poor as to require the aid of direct taxation to meet its liabilities. Separate from the old debt, more than one million annually of these revenues are consumed in the payment of interest alone. This must be a constant drain upon the fund, and nothing but the payment of the debt can arrest the corroding malady. Postponement can promise no relief and may bring accumulated dangers.

"A departure from the sound rule of using our means rather than our credit has brought this debt upon our favorite fund. The only necessarily dangerous stage in our canal policy was passed when the Erie and Champlain canals were completed and became productive; and a sound and wise financial policy, faithful administration, and most fortunately located canals, carried us through that stage with safety. Up to that period, borrowing was necessarily the principal resource, and some of the richest revenues were set apart to meet the payments of interest, while the Constitution of the State was made to pledge the investments, together with these revenues, for the return of the principal. And even under all these safeguards loans were made with moderation, and the works were prosecuted in a measured pace. After they

were completed, payment of the debt became the object of solicitude, and means were accumulated and the stocks purchased and canceled in advance of their falling due, when they could be obtained on reasonable terms.

"In the meantime other canals were constructed, but the expenditures were kept within the limits of the canal revenues, without losing sight of ample provision for the payment of the existing debts. As an evidence of this, before the policy was changed, the payments made and the moneys accumulated, applicable to those payments, had left less than $5,000,000 of the canal debt unprovided for. The surplus revenues of the canals were accomplishing much annually toward the construction of new canals, and the enlargement and improvement of the old, and still yielding their annual contributions to a sinking fund intended to remove the small remaining debt, as the principal should fall due.

"In this state of things a change of policy came over us, which was based upon a new financial rule of action. The existing revenues were looked upon merely as a fund to meet the interest upon further loans; it being assumed as safe to depend upon anticipated improvements of those revenues for the payment of the principal of the debt. Indeed, it is believed the principle was carried even farther, and that anticipated revenues were depended upon, to meet accumulations of interest, beyond the power of the existing revenues, as well as to cover the payments of principal.

"The reflection does not seem to have occurred to the authors of this new financial policy, that any disappointment in their anticipations of improved revenues must give their system a shock it could not survive, by imposing a tax upon the people, or disappointment and loss upon the public creditors, either of which alternatives could not fail to arrest the further accumulation of debt upon such a basis. It would seem also to have been overlooked, that the money-lender could draw as accurate conclusions as themselves between their means and anticipations, and that when the means should have been exhausted, the anticipations might not command the required capital even to test their soundness or their fallacy.

"In any event, loans were obtained in unexampled amounts, until the limit of the existing revenues was reached, when the public credit wholly failed them. Works of internal improvement were prosecuted upon a scale so extensive as to bring the State into competition with itself, and the wages of labor and the cost of subsistence upon one contract were enhanced by the demand for labor and subsistence upon another. An arrest of the means, by a failure of the credit of the State, put an end to this strife and to the new public works together, and when a return to the old and safe policy was attempted, it was found that a large portion of the moneys, which had been accumulated to meet the old canal debt, were rendered unavailable by having been loaned to banks which could not pay; that the accruing surplus of the canal revenues, beyond the current annual expenses, was covered by claims for interest; that the General Fund must sink under the accumulated and accumulating demands upon it for interest upon public stocks loaned to railroad companies which had failed, or were in a failing condition; that temporary loans had been made to the amount of more than $1,500,000, which were impending over the treasury, without the means of payment, and that contractors and laborers upon the public works were without pay, or with the unmarketable stocks of the State in the place of the money to which their contracts entitled them.

"The issue was present and unavoidable. The people must be taxed, or the public creditors must suffer loss and the public stocks be dishonored. A resort to the credit of the State was made unavoidable, to meet these urgent and instant demands, the accruing interest upon the enlarged debt, and to put the canals in repair for the approaching season of navigation. Public distrust had taken the place of public confidence, and a substitution of the borrowing policy was made indispensable, before a resort to credit would command a response in capital.

"This was done by the act of 1842. The effect of this measure was almost electric, and was felt not merely throughout the State, but throughout the Union. Under its solemn assurances money was obtained upon loan to relieve the pressing necessities of the public treasury, and to preserve the public faith and honor by a prompt payment, at the specie value, of the installments of

interest upon the public securities. From this time, the credit of the State rose rapidly, and soon attained the par of money; and by the scrupulous adherence to the policy and pledges of that law, which has characterized our subsequent legislation, it has now reached its accustomed honorable elevation.

"We must not blind ourselves to the fact, however, that the recent disasters in the affairs of public and private credits, and especially connected with the credits of several States in the Union, have caused a distrust, a watchfulness, a sensitiveness in relation to State credits, which will not permit of hazardous experiments. Our practice has been to pay at the day, both principal and interest, and such is the theory of finance upon which we have restored the credit of the State. If that theory shall be abandoned in practice, and the appropriate funds to pay the principal of the existing canal debt, as it falls due, shall be diverted to other objects of expenditure, and those payments be indefinitely postponed, can we hope that the credit of the State will remain unshaken? Have we any right to expect that the effect will be other than that so recently witnessed, when the attempt was made to substitute anticipated revenues for real means, and a disposition to apply them to maintain the public faith.

"I am well aware that objects of expenditure, of great and extended public interest, will be pressed upon your attention, and will press themselves upon the minds and feelings of those whose immediate constituencies have a more direct interest in their resumption and completion. The Erie canal enlargement, the Genesee Valley canal and the Black River canal, are prominent among these objects, and deeply enlist the feelings and interests of a large and worthy portion of our fellow-citizens. It certainly would be more grateful to recommend a compliance with these wishes, than to feel impelled by a sense of public duty to point out the necessity of their present disappointment. Yet we must not forget, when acting upon these great questions, that the interests of the citizens of the whole State are committed to our charge, and a measure which would be wrong toward them, as a mass, cannot be right because portions of the mass would be benefited by it. And it would certainly be wrong to our citizens, as a

whole, again to depress or even hazard the credit of the State by a diversion of any portion of the canal revenues required to pay the existing debt and preserve the public faith. It would be wrong to them to disregard the letter or spirit of the pledges of the law of 1842, and thus incur the risk of a necessity for increased or longer continued taxation.

"Would such a policy be wise, even in regard to these improvements and the citizens more immediately interested in them? The surplus which as yet can be so diverted, without an express infraction of the law of 1842, is entirely too inconsiderable to make any useful progress with the works; and especially so if it must be divided among them. And it is not likely that those interested in either will consent that the money shall be diverted from the debt and also from their favorite improvement. In the mean time, the accumulations of interest upon the present large debt are exhausting the revenues which should be applied to the construction of further improvements, and nothing but the payment of the debt can discharge them from this profitless consumption. Will it not be more wise to hasten the payment of this debt, and thus discharge these revenues from their incumbrances, and thus place at the disposal of the Legislature some $1,000,000 or $1,200,000 per annum without a resort to credit, without loss of interest and without the danger of increased taxation? The recent experiment of hastening the public works has certainly shown us that such efforts may be unsuccessful even in relation to enterprises undertaken by States as powerful as ours, and with credit as strong and means as ample as those we possessed at the time our former prudent policy was abandoned.

"In any view I am able to take of this portion of our financial affairs, I am constrained to believe that the application of existing revenues to the existing debts, so far as the current expenses of the public service will permit, has become an imperious duty to the whole people, that the burden of the present State tax may be removed at the earliest practicable day and that the danger of its recurrence may be obviated by a payment of the debts which have rendered it necessary. I also believe that true friendship for our system of internal improvements and its safe

and certain extension equally require, and will demand, the most speedy payment of the canal debt and the liberation of the present canal revenues from the wasting demands of interest now resting upon them. I recommend, therefore, that course of financial legislation which shall make these the prominent objects of its policy.

"Independent Exercise of the Elective Franchise.

"Few subjects connected with this communication have been pressed upon me with so much earnestness, since the close of the late election, as the necessity of some additional legal provisions to secure the independent and unbiased exercise of the elective franchise and the purity of the ballot-box, especially from the corrupting influence of money. No subject can possess deeper interest to the freemen of our State and country or be more vitally important to the very existence of our political institutions. Without, however, detaining you with remarks to establish a position which will be instantly conceded and fully appreciated, I will proceed directly to the points to which I propose to confine my suggestions.

"One of the prominent complaints is that efforts are made, and successfully made, to defeat the policy of the present law, intending to secure to the elector the privilege of keeping his vote from the sight or inspection of the officers of the election or any one else, and its character known to himself only. By the law, if he chooses to hand his ballot to the inspector closely folded, the law prohibits the inspector, upon pain of severe punishment for a misdemeanor, from so opening it as to expose the names of the persons voted for upon it. The law, however, requires that the ballot should be labeled upon the outside, and, if folded, it must be so folded as to leave this label visible. This is made one of the means of defeating the protection intended to be thrown around the elector, by enabling him to keep the character of his vote a profound secret from all the world but himself, if he should choose to do so. This label, as a general remark, must be printed, and the character of the type is made to designate the political complexion of the vote within as plainly, to those who understand the design, as would the inspection of

the names upon the ballot. In this way the influence of the employer, over the feelings and fears of the employed, is as fully and forcibly exerted as if the latter were required to give a *vive voce* vote, or deposit an open ballot. So the description and color of the paper upon which ballots are printed is often resorted to for the same purpose, and in this way the spirit and intention of the law to protect the elector in the independent exercise of his own free choice are circumvented and defeated.

"I do not know that it is possible, by legislation, to reach and prevent all these devices unduly and improperly to influence the free choice of the elector; but it does appear to me that all the abuses growing out of the use of a label upon the ballot may, as the law now is, be prevented by a very slight modification. When there is not a presidential election, and when no amendments to the Constitution are to be voted upon, we now have but one ballot-box and one ballot, and then, manifestly, no label can be required. I can see no cause to apprehend inconvenience or injury by such an amendment of the law as shall render but one box and one ballot necessary at any time. The persons voted for as electors of President and Vice-President may as well be designated upon the State ticket as upon a separate one, and the opinion of the elector upon any constitutional amendment can be as well upon that as a separate ballot. Nor do I think the addition to the size of the ballot, in either of these cases, would produce any serious objection.

"I respectfully submit these suggestions for your consideration, confident that, so far as you shall find it practicable, you will defend the elector in the enjoyment of that impunity from improper influences, in giving his vote, which it has ever been the policy of our law to secure to him.

"Betting upon Elections.

"Another point of much more serious complaint is the extensive and rapidly increasing practice of betting upon elections, and the interested, selfish and corrupting tendencies which it exerts upon the election itself. It is true that bets so made cannot now be recovered by action, or payment enforced in any legal manner, and that property or money staked, or even paid over

upon a bet, may be recovered back in a suit at law; and yet it is equally true that a public opinion exists, almost universally, so strongly condemnatory of him who, having made a bet, refuses the payment, or, having paid, seeks to recover back the money, as to have almost the force of positive law to compel the payment Indeed, instances have existed, when bankruptcy has been the consequence to the losing party, and yet pecuniary ruin has been preferred to a resort to the protection of this statute. Under such a state of things the law is wholly ineffective to prevent the practice, as its alarming increase too clearly proves.

"Still, the evil influences of the practice upon our elections, and the propriety of interposing by legislation to avert them, are fully recognized in the present law. These improper and corrupting influences have made themselves manifest to the whole body of our freemen, and constitute a theme of almost universal complaint. Upon the party to the wager they are all-controlling. His ear and his mind, from the moment his money is staked, are closed against argument, or reason, or examination, either as to the questions involved or the candidates presented for his suffrage. He must so vote and so act as to win his bet, and the welfare of the country becomes entirely a secondary consideration. His appeals to all over whom he may hope to exert an influence are to save himself from loss and help him win the money of his opponent, not to examine and inquire how they may best serve their country by their votes.

"The manner in which this evil practice extends itself presents another and even stronger reason for its more effectual suppression. It operates as a positive coercion upon many who are really unwilling to make bets, because it is made the test, by the members of the contending parties, of the confidence of each other in the strength of their cause and their candidates, and their final party success. The offer of the bet is often the consequence of heated discussion and strong partisan feeling, made by one who, without excitement, would neither offer nor accept a bet upon election, and yet once made and reluctantly accepted, the same coercion prevents either party from receding; the wager remains, and they become parties to a bet upon the pending election, and

subject to all the selfish and corrupting influences which have been described, though both feeling a repugnance to the practice. To avert these evil influences from such parties and save them from the coercion of so artificial and imaginary a test of political sincerity and confidence, if it can be done without violation of principle, it is certainly most desirable, and would be a valuable improvement in our legislation.

"Many have suggested disfranchisement as the penalty of becoming a party to a bet, upon the very rational ground that he should not be permitted to vote at all whose vote is to be governed by his private interests, and not with reference to the public good. This suggestion, however plausibly urged, we have not the constitutional power to adopt. The Constitution of our State declares the qualifications and disqualifications of the voter, and does not give the Legislature the right to subtract from the one or add to the other. Its whole power in the matter is to pass laws for ascertaining the constitutional qualifications. The suggestion which strikes me with most force, and as most likely to arrest the practice of betting, is to make it punishable criminally; to subject the parties, to every bet made upon the result of an election, to indictment, and, upon conviction, to punishment by fine, to be graduated by the amount of the wager, and to all the costs of prosecution. If the fine be given entirely to the complainant, the probability of prosecution, and consequently of arresting the evil, will be strengthened.

"No valid objection in principle against such a law has occurred to me. The deleterious influence of this species of gambling upon public morals alone would, it appears to me, justify the passage of a law which should make it criminal. And when its corrupt and corrupting tendencies upon our elections, upon the free and proper exercise of the elective franchise; when its influence to bring the improper expenditure of money into a political canvass and to apply it under the desperate impulse of a gambling spirit, are considered, I cannot doubt that the moral and political aspect of the evil will fully justify its classification as a crime and its punishment as such.

"I submit the suggestion, however, with great deference, and in the full conviction that it will not receive your sanction, unless

you deem it sound in principle and likely to prove salutary in practice. Such a law cannot do less than relieve from coercion those who do not make bets from voluntary choice; as no state of public opinion will be likely to require of a citizen that he should violate the law, and subject himself to indictment, to manifest his confidence in the correctness of his political opinions or the success of his political party; and if any should be reckless enough to challenge him to do it, his refusal, placed upon this ground, will admit of none of the inferences which constitute the coercion at present felt.*

"Using Money at Elections.

"The use of money at our elections, not connected with wagers, has become a subject of universal complaint. The provisions of our law are very rigid, and expressly confine the use of money upon those occasions to 'defraying the expenses of printing and the circulation of votes, handbills and other papers, previous to any such election, or for conveying sick, poor or infirm electors to the polls;' and any candidate for any elective office, or any other person, who shall, with intent to promote the election of any particular candidate or ticket, contribute money for any other purpose, is guilty of a misdemeanor, punishable by fine not exceeding $250, or by imprisonment not exceeding six months. It is difficult to see how provisions of law can be more rigid, and not restrict the free publication and circulation of political matter, or prohibit offices of kindness to the sick, poor or infirm; and yet it is manifest that the evils and mischiefs intended to be prevented by the present law yet exist, and are rapidly and alarmingly augmenting. It is impossible to presume that the contributors expect or intend to keep within their own control, or even to retain a personal knowledge of, the uses to

*These recommendations were followed, the next year, by making the following provisions upon these subjects in the Constitution as amended: "Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery or larceny, or other infamous crime; and for depriving every person who shall make, or become directly or indirectly interested in, any bet or wager depending upon the result of any election, from the right to vote at such election."

which their money is applied, as vast purses are frequently made up for the avowed purpose of wide distribution throughout the counties of the State, and not to meet the lawful expenses of the election in the county where the contributors reside and are voters. The forms of the law may be observed in the subscription papers, but the spirit of the law is disregarded, if not expressly departed from, when the application and use of the money is placed beyond the power and knowledge of him who gives it.

"It is worthy of consideration whether contributions in money for any purpose of expenditure, even within the terms of the present law, may not safely be confined to the county. If the object is publication, let the contributions be in publications and not in money, and the expenditure is brought within the terms and provisions of the law by the act of him who contributes the money. It will scarcely be contended that the sick or poor or infirm, of any one of our counties, will be kept from the polls if money is not contributed from another county to defray the expense of conveying them to it. Every county has citizens enough able and willing to perform that service for their sick and poor and infirm neighbors.

"It has been suggested that this corrupting influence upon our elections may be restrained by limiting the amount, beyond which no candidate and no citizen shall contribute for any purpose. If such a limitation can be imposed and enforced it will doubtless go far to restrain the evil, as it is apparent that very large amounts are paid by comparatively few subscribers. Large contributions cannot be made with any regard to the provisions of the existing law, and the contributor doubtless contents himself by the reflection that he but gives the money, while, taking no part in the expenditure, he is not responsible for any violations of the law to which his act may lead. Such contributions of money, for such a purpose, cannot fail to lead to abuses, and are therefore themselves abuses; and any provision which should effectually restrain them, without a violation of principle, would be a most important step toward exempting our elections from the poisonous influence of money.

"Anti-rent Matters.

"I regret that my duty to communicate to you the condition of the State cannot be discharged without bringing to your attention a subject of a very different character, but one of deep and pervading interest. I refer to the difficulties existing between the proprietors of certain leasehold estates, in several of our counties, and the tenants upon those estates. For several years past these difficulties have been accumulating, and have from time to time been the cause of local disquiet, more or less extensive and more or less seriously threatening the preservation of social order and the public peace. Still, with one or two exceptions, the authorities of the counties have been relied upon to maintain the law, preserve the peace, and protect the rights, property and persons of citizens against any attempt of the ill-advised to violate either. Resistance was made during the period referred to, and sometimes too successfully made, against the officers of justice in the discharge of their official duties; but under circumstances leaving the hope that misapprehension, acting upon minds suddenly excited, had occasioned the resistance, and that time, calm reflection upon the magnitude of the offense committed, and more patient and dispassionate inquiry into the grounds of complaint and the wise and proper mode of redressing grievances, if any, which should prove to have real existence, would cure the disturbances and relieve our ordinarily peaceful and prosperous communities from the dangers which threatened them.

"This reasonable hope has not been realized. An exciting election was made the occasion for an earnest attempt to intermix these questions with the general politics of the State and make them tests of election to the Legislature. It was but reasonable to expect, after the appeals made in this form had been patiently listened to, maturely considered and deliberately decided by the freemen of the counties before whom the questions were raised, that further efforts, in any other manner, to accomplish the object sought would be at least delayed until the relief expected could have been asked at the hands of the Legislature. Even this delay has not been suffered, but resistance to the law and its officers has been renewed, in forms and under circumstances of the deepest aggravation. Organized bands of

men, assuming the disguise of savages, with arms in their hands, have already bid defiance to the law, its process and its officers, and in repeated instances, and in more than one county, put the life of the sheriff or his deputies in imminent peril, forcibly taken from them their official papers and burned them in open day, compelling the officers to desist from further attempts to discharge their duties.

"These misguided violators of the law and disturbers of the public peace have not confined their outrages within this limit. Already the lives of two peaceable and unoffending citizens have been taken, and in both instances when neither the sheriff or his officers were present and when no attempt was made to serve legal process.

"Minor outrages upon the rights and persons of private individuals, and the peace of neighborhoods, had begun to awaken attention to the danger of these lawless and passionate proceedings; but these wanton sacrifices of human life, in a manner so unprovoked and causeless, have given to the whole public mind a shock which nothing but the prompt and effectual restoration of the reign of law and order can calm.

"While the question between the proprietors and tenants was whether the leasehold tenures should be perpetuated, or the rents should be commuted upon fair and reasonable terms, and fee-simple titles should be given upon the payment of a capital in money, which, invested at a stipulated rate, would reproduce the rents to the landlord, the controversy was one in which the feelings and sympathies of our people were deeply enlisted and strongly inclined in favor of the tenants.

"When the question was, not whether rights of property are to be trampled upon, the obligations of contracts violently resisted, the laws of the State set at defiance, the peace of society disturbed and human life sacrificed, but in what way contracts, onerous in their exactions, and tenures in their nature and character uncongenial with the habits and opinions of our people, could be peaceably and justly and constitutionally modified to meet the changed circumstances of the times, then I might have invited your careful attention to the considerations growing out of these issues.

"But I feel precluded from discussions of this character by the extravagant and indefensible position given to the controversy by the awful and violent proceedings of those who assume to take the charge of the rights and interests of the tenants involved in this litigation. I say, to those who assume to take the charge of the rights and interests of the tenants in the matter; because I cannot believe that the great body of farmers, who are the occupants of these leasehold estates, are either parties or conscious and willing accessories to these violations of the laws of the State, and to high crimes, subjecting the perpetrators to punishment in our State prisons. I do not believe that they, as a body of men, are prepared to trample upon the rights of any class of their fellow-citizens; to break up the peace and order of society; to paralyze the arm of the law and make might the measure of right; to disguise their persons that they may avoid the responsibilities of their own acts, and, least of all, wantonly to sacrifice human life in such a controversy. Still, that there are those who have deliberately made up their minds to all these revolting consequences, or who are passionately and thoughtlessly pursuing a course of conduct calculated to bring them upon us, the facts which have been adverted to conclusively prove. The information communicated to me, however, authorizes the belief that this desperate extremity, whether of deliberate determination or of thoughtless passion, has been reached by comparatively few, and that many of those are not themselves tenants, but persons who have, for hire, enlisted themselves into the service of the anti-rent associations. I cannot be responsible for the truth of this information, as I have no personal knowledge whatever in the matter, but it has reached me from sources which I consider entitled to my belief.

"If such be the fact, and there are those engaged in these transactions who have no other or deeper personal interest, any appeal to them I fear would be in vain. If any individual who enjoys the blessings, and seeks for himself and his the protection of our free institutions, is prepared upon calm reflection to serve for hire in such a cause, — is ready to make himself the instrument of visiting these wrongs upon his fellow-citizens, and these evils

upon society, for the paltry consideration of the wages of a day laborer, — to him I should address myself without hope.

"To the tenants themselves, who are the real parties to this controversy, and whose deepest interests are at stake, I can appeal with some confidence. Have they been able to convince themselves, or can they convince themselves, that violent wrong to others is the rule by which right is secured to them? That open and criminal resistance to the laws and authorities of the State is the way in which they are to find peace and security for themselves and families? That a course tending to disgrace, if not to subvert, our republican institutions, can lead to wealth, or prosperity, or happiness for themselves or theirs? Have they reflected that the very theory upon which our government is instituted is equal protection to all, and that the strong arm of our Constitution and laws is the security of the feeble and dependent against the wealthy and powerful? It is for man, not money; for the tenant, not the landlord; for the laborer, not the employer, that the protection of the law and its faithful execution are most required; and when the former shall take weapons in their hands to break down and destroy that protection and security, they but invite invasion of the latter upon their rights and privileges and liberties by a removal of the only obstacle against a successful assault.

"Under this view of their rights and interests, to say nothing of their duties to society and their country, can they believe it wise to persist in the course they have taken? To countenance and sustain those who openly set the laws at defiance, and who pursue a course calculated to subvert the government of our country itself; and this without proposing to take any step toward the final adjustment of the disputed rights and questions involved in the controversy, other than that which is taken by the criminal exertion of physical force? Are not the associated tenants conscious that many of those who apparently act with them, are influenced by the coercion of fear? And do they not know that threats have been used to force individuals into the associations and to deter them from seceding? Is it not true, also, that one of the avowed objects of the combination is to prevent individual tenants from making voluntary payment of rent, or from pur-

chasing a title from their landlords upon any terms, however fair and liberal, and for any consideration, however reasonable and just, unless the association shall first yield its assent to the compromise? Here, then, is resistance not only against leases as they are, but also resistance against such a change of the leases as shall remove their ground of complaint.

"Is it not, moreover, true, that a system of rent assessed upon the lands is rigidly enforced, to meet the expenses of this organization, more obnoxious to the principle and spirit of freedom than the leases themselves? And are there not involuntary contributors, from whom payment is coerced by means much less defensible than those which the landlords attempt to use to collect rents?

"Again, I ask, can it be that the tenants, industrious and worthy farmers as they are, can either hope or wish to sustain a position so unnatural, by means so wholly indefensible? Will they not reflect upon the dangers they may incur as accessories to the crimes committed by their disguised agents, if they continue to pay their money to support and sustain those agents in their illegal proceedings? After what has already transpired, can they say to their own consciences, much less to a jury of their country, that they make these contributions in ignorance of the uses to which their money is to be applied; or that, with such knowledge, they do not make themselves, morally at least, if not legally, accessories to all the offenses to which these contributions may lead?

"If, however, there shall be among the tenants, those whose passions or prejudices are too strong to be overcome by these and like considerations, may I not finally appeal to those who have become reluctant members of these mistaken associations, and who have been made to contribute of their means, or by their names, to sustain such illegal and criminal proceedings, now to step boldly out and resume their duties to society and their country; to take the side of the Constitution and the law, against the violators of both, and to show that their intentions were not criminal, and their objects not subversive of our free and glorious institutions, by manfully lending their aid to prevent or detect and punish crime, and to preserve the order and peace of the community?

"In any event, if these appeals to our fellow-citizens shall not be listened to, upon us rests the responsibility of furnishing the necessary aid to the ministers of the law to enable them to perform their duties, and to arrest and bring to trial and punishment those who shall unlawfully resist them. The power of the county is confided to the sheriff, and upon him rests the duty of calling it into exercise, as far as need be, to enable him to enforce the laws and protect the property and rights and lives of the persons within his bailiwick. This power is given without qualification, other than the measure of the necessity which calls it into exercise. It extends to every male inhabitant of the county of sufficient age to render effective assistance, and to be able to comprehend the duties and responsibilities of the citizen, and it is upon the peril of indictment and punishment that any such inhabitant disregards or disobeys this summons of the sheriff; and Mr. Jefferson, one of the ablest, as he was one of the most sincere and ardent defenders of the liberties and rights of the people whom any country has produced, considered this feature of our system as comprehending its principal strength. He said, 'I believe this is the strongest government on earth. I believe it the only one where every man, at the call of the laws, would fly to the standard of the law, and would meet invasion of the public order as his own personal concern.' This is the proper personal concern of every American citizen, and if the time shall ever come when the mass of our people shall refuse so to consider and so to treat invasions of the public order, or shall join those who shall resist the law and its officers, then will our liberal institutions have been voluntarily surrendered by those they were designed to protect and bless; then will the blood of our revolutionary fathers have been shed in vain, and their descendants will prove themselves unworthy of the rich inheritance transmitted to them through so much toil and peril and suffering; and then will the cause of free government receive a fatal blow, and monarchists will everywhere rejoice at the incapacity or indisposition of man to govern himself.

"The present indications of the public mind and feeling, in relation to the outrages referred to, sufficiently prove to us that this fatal period is not yet even approaching, with our citizens,

and that all those intrusted by them with the execution of the laws will most lamentably misrepresent them, if they pause in their exertions to restore peace and security and good order. It is highly creditable to the fidelity and patriotism of our citizens that, hitherto, in these recent disturbances, formidable as has been the shape they have assumed, whenever the sheriff has had an opportunity to call for the requisite aid, and has proceeded with firmness and energy, the body of the county has proved adequate to the service of criminal process, and to the arrest and detention of some of the most forward of those engaged in the armed resistance against him.

"The power of the county is first to be exerted by the officers of the county, aided by the body of the county; and only when representations made to the Governor shall satisfy him that this power is insufficient to maintain the supremacy of the law can he interpose and order a military force from other counties to aid the resisted sheriff and his *posse*. This is in strict conformity with the theory of the system and with its healthful action. The inhabitants of the vicinage are the most directly and deeply interested in suppressing violations of the law, detecting and punishing crime, and preserving peace and order and security in their neighborhoods, and to them the law first looks for its maintenance and execution.

"The principal disturbances of recent date have been confined to the counties of Columbia and Rensselaer, and in the former county several arrests of persons concerned in resisting the sheriff, and suspected as accessories or principals in the killing of a citizen of that county, and their confinement in the county jail at Hudson, called forth extensive threats of a rescue, and movements among the disguised bands calling themselves Indians having that avowed object. The sheriff succeeded in organizing an armed *posse* of 100 men; and the citizens and corporate authorities of the city of Hudson, alarmed by threats of injury and destruction to the town, made application to the Governor and received from him, upon the bond of the corporation, arms and ammunition for the use of the inhabitants. In this way the jail and town were guarded for a week, when, as other arrests were to be made, and the disposition and efforts

to rescue the prisoners seemed to be gaining extension and strength by co-operation from other counties, the sheriff and the authorities of Hudson united in making a requisition upon the Governor for a military force from without the county of Columbia, in aid of the sheriff's *posse.*

"It appearing to the satisfaction of the Governor that a constant guard was necessary to secure the jail, and prisoners confined and who might be confined therein; that the presence of such a guard might be required until the cases of the prisoners should be finally disposed of, by trial or otherwise; that the service required the strictness and vigilance of rigid military discipline, and could not be so secured by any organization which it was in the power of the sheriff to give to the *posse commitatus;* and believing, as he did, that the character and probable duration of the service were such as were not contemplated by the law giving the power to the sheriff to summon his civil *posse,* the request was granted and a military force ordered and placed at the disposal of the sheriff. Inasmuch as no means had been provided to subsist this force, the sheriff was required to make that provision; but under the assurance that the matter would be laid before you with a recommendation that you should remunerate him for the expense from the State treasury.

"The report of the Adjutant-General, herewith transmitted, will exhibit the amount and description of force thus called into the service of the State, with all the facts necessary to enable you to take the requisite action in regard to it.

"All these steps, on the part of my immediate predecessor, have been taken, in my judgment, from sound views of the exigencies of the public service, and were dictated by the purest intention to discharge, in a safe manner, a most responsible and unpleasant duty; and I cheerfully and earnestly recommend that as early provision as practicable be made for the payment of the men, for their subsistence for the future, in case it shall be thought necessary to continue them in service, and to discharge the fair and just accounts of the sheriff of the county of Columbia for their subsistence hitherto, and until provision by law shall be made.

"I have already said that I felt precluded from discussing

what I understand to be the real questions between the proprietors and the tenants, so long as the present position of the controversy on the part of the tenants is maintained, as it excludes all idea of arrangement, amicable or legal, upon any basis which has suggested itself to me as within my power of recommendation. Indeed, not merely the questions, but the parties to the controversy, have been practically changed by the violent proceedings alluded to; and it now becomes my duty to call your attention to a struggle going on between a band of desperate men, who diguise their persons, and, with arms in their hands, bid defiance to the law and its officers, on one side, and the constituted authorities of the State, exerting the powers conferred upon them to preserve the peace, defend the rights and protect the lives of the citizens, on the other. In such a controversy there is but one side for the faithful public officer to take, whatever may be his office or the trust confided to him; and as upon me rests the express constitutional obligation to 'take care that the laws are faithfully executed,' which obligation I have sworn faithfully to discharge, I have no choice left, even if I were inclined, as I trust I am not, to doubt or hesitate. The laws must be executed. The right of all must be respected. The public peace must be preserved. The lives of our peaceful fellow-citizens must be protected; and crimes must be prevented or punished. So far as the law, as it now clothes me with power to secure the accomplishment of these objects, or as far as it shall be your pleasure to confer additional authority, I hope to be able to exert it calmly and dispassionately, but with vigilance and firmness, and aided and sustained by the great body of our common constituents, as I am sure I shall be, I do not entertain a doubt of complete success. Indeed, I indulge the earnest hope that already the crisis is past; that the events which have transpired have opened the eyes of those who were looked to for aid and support by these desperate perpetrators of crime, and made it certain that no further outrages will be committed through their countenance or co-operation. If this reasonable hope shall be disappointed, still the laws must be executed, fall where they may and affect whom they may.

"Permit me to suggest, in conclusion of this subject, whether

the facts here presented, and others constantly appearing before the public, should not induce you so to provide for the prevention and punishment of crime as to enable the officers of justice to reach him who disguises his person for the purpose of committing crime with less exposure to detection. That the disguises of these organized bands, calling themselves Indians, are assumed for purposes unlawful and highly criminal, — an armed resistance to the execution of the law, — they themselves openly and publicly declare. After that offense, or other and higher crime, has been perpetrated, the disguise is laid aside, and even eye-witnesses upon the spot, may not be able to identify the guilty. Can there be any violation of principle in making the use of the disguise itself an offense, subjecting the party at least to arrest, examination and identification, when evidence exists to satisfy the magistrate or other officer of the peace that the purpose for which the disguise is assumed is unlawful and criminal? It appears to me there is not; and that a provision of this character, properly guarded, would go far to aid in the prevention of crimes, which have been recently so daringly committed under the protection of masks and other disguises. The suggestion is respectfully submitted for your careful consideration.

"Issues Settled by the Election of 1844.

"I cannot consent to close this communication without a brief reference to the interest of our State as a member of the Union. We have just passed through a presidential election second to none which has preceded it, in the importance of the principles involved, or the deep and universal interest of the whole people in the contest. At no time has the excitement of feeling been more intense, and no similar election has passed away with a more universal observance of public order. Seldom have the two great parties of the country arrayed themselves more distinctly upon the principles and measures of policy which divide them, or more unequivocally staked the result of a national contest upon the strength of their respective positions. Great issues, which heretofore have been but imperfectly joined or sectionally tried, have now been universally recognized as presenting controlling questions in the canvass. The public lives and the known

and acknowledged principles of the leading candidates of the respective parties, as clearly as these expressed issues, defined the grounds upon which the battle was to be fought. Those candidates were supported upon the principles and opinions which, as statesmen, they had avowed and practiced. The whole mass of the people were more universally appealed to and more elaborately addressed than at any preceding election; and every freeman in the country enjoyed the fullest opportunity thoroughly to understand all the points in dispute, before he cast his vote. The conclusion is almost unavoidable that, at no time, has the whole public mind more perfectly understood all the important questions involved in an election, or more clearly comprehended the influences exerted by its decision upon the future policy of the national government.

"It is reasonable to hope that, after so solemn a decision of the people, pronounced under such circumstances, the great interests of the country, which have long been kept in a condition of uncertainty and agitation, will be allowed repose; that the basis of the action of the federal government, on the subject of the currency, may now be considered settled; that all further agitation on the question of assigning one entire branch of the permanent federal revenues to the States may be at an end, and that the principle upon which the revenues of that government, to be derived from customs, are to be assessed, is intelligibly defined. All these are subjects which deeply affect the business interests of every portion of the country, but more especially, and most deeply, the commercial and trading interests; and, as the most commercial State of the Union, we have felt, with great severity, the uncertainty, the change and prospect of change, which, for many years past, have almost constantly surrounded all these questions.

"Next to a policy based upon sound constitutional principles, one which is stable and which will realize for the future what it promises for the present, is the most important for all the great interests, agricultural, commercial and manufacturing. The issue of the late election seems to promise these benefits, at least for a time, and until the recurrence of another similar canvass shall determine whether these issues are to be opened, a result, in my

opinion, greatly to be deprecated. No violent changes are required to conform the existing state of things to such a settled system as has been thus indicated. My entire conviction, that the hands into which the administration of the federal government is to pass are those which will most scrupulously respect these manifestations of the popular will, induces me to express this strong degree of confidence upon these points. That respect will draw to the new administration the continued confidence of the people, and secure the results anticipated, at least during its continuance."

These extended extracts from the message, in addition to conveying, in his own language, the Governor's views upon the questions presented, furnish historical facts of great value, nowhere brought together so clearly and compactly. The pursuit of the sad financial errors which he so forcibly presented and combated, by those who came after him, is now felt with crushing force upon the State. The failure to secure the independent exercise of the elective franchise, and to punish the use of money by candidates for office and their friends, has, in many localities, if not throughout the State, rendered elections simply a form of purchasing office. The want of stability in raising federal revenue, and the introduction of a paper currency of fluctuating value, have deranged the business of agriculture, commerce and manufactures, and visited upon the people numerous evils, against the earnest and forcible advice and protest of Gov. Wright, as conveyed in these extracts.

Silas Wright to John A. Dix.

"Albany, 15*th February*, 1845.

"My Dear Sir.—I have been waiting more than a week, since the receipt of your most acceptable letter, to find time to acknowledge and reply to it; and, having now surrendered all hope of doing the latter, I take a moment at a late hour to make the acknowledgment.

"Your conclusion as to your vote upon the proposition which

passed the House is precisely what mine is here, and what I think mine would be if I were in your place. Upon this subject of Texas I have but one thing to say. I see I am quoted, at Washington, that I am wholly opposed to annexation or admission upon any terms; upon what authority I know not, unless it be my vote against Mr. Calhoun's treaty. To that I was opposed. I could not vote for it then, nor could I now; but I did not make a stump speech during last summer and fall in which I did not declare that I was in favor of the annexation, upon proper and reasonable terms. I never did undertake to define what I thought would be such terms, with any degree of precision, for the best of all possible reasons, — because I had never been able to define them in my own mind, nor have I yet been able to do that. I did, upon some occasions, state very briefly some of my objections to the terms of the treaty; and I did, upon more than one occasion, in answer to a direct call from members of my audience to know if I would consent to the annexation with the right to hold slaves in any part of the territory, say that I would, — that I did not think the abolition of slavery where it now actually exists in Texas should be made a condition of annexation. This, I think, is about as far as I ever went toward a specification of terms.

"The rule which would govern my action now, were I in your place, would be this: I would go just as far, to meet the feeling of the south in the attainment of this object, as I could believe the democracy of the State would sustain me in going, and not one inch further, — always preserving principle and honor and public faith within that limit. By that rule I intend to govern my advice and expressions of opinion here.

"I do not believe the democracy of the State would sustain us in the annexation without some fair compromise as to the slave question, and hence I do not believe you would be sustained in voting for the proposition which passed the House. I look upon that proposition as more unfortunate than if it had proposed no line, because all our people know that the line it marks does not touch one inch of the territory which Texas in fact owns, or over which Texas has ever practically exercised jurisdiction and government. It is, therefore, no compromise in fact, while it is one

in form, and almost every man you meet calls it a cheat and a fraud. Had it not been for me, I have no room to doubt that resolutions would have passed both branches of the Legislature, before this day, either condemning that proposition in terms, or approving of the conduct of those members of our delegation who voted against it. But for the policy of the thing, in reference to the President elect, and his position and feelings, a proposition, in the former shape, would pass by a vote so sweeping as to be substantially unanimous, and neither I nor any other power or influence could prevent it; and even in the latter shape, a proposition, but for the same reasons, would pass by a strong vote, though personal regard for those members of the delegation who voted for the measure would prevent many from voting at all, and induce some to vote against it. I mention these facts to show you what the feeling existing in the Legislature is in reference to those terms. I will mention another fact, which may surprise you somewhat. The Speaker (Mr. Seymour) told me he did not think he could support any proposition for annexation which tolerated slavery in any part of the territory. I told him, what I believe to be true, that I did not think our democracy wished to go to that extent; that they would be willing to make a fair and liberal compromise upon that point, if a corresponding spirit was met with from the south; but that there was danger, if extreme demands were made and persisted in there, they might, by and by, lead to extreme demands from the north, with an equally uncompromising spirit.

"It is not certain that our Legislature may not yet pass some resolutions, as again, to-day, the efforts of the whigs have been successful in the House to bring up the subject for debate. Upon one point I feel great certainty, and that is, that if any resolutions do pass the House, they will be such as the whigs shall give shape to and vote for. I consider it perfectly certain that the democrats of the House, or those elected as such, will never agree upon the shape of any resolution more specific than that of the Baltimore convention; and it is conceded that several of these members are now, with the utmost difficulty, restrained from voting for the resolutions, while the whigs are constantly pressing upon them, and can be made to go no farther than to

vote to lay them upon the table. Convinced of this condition of things, I have used every effort to keep our friends united upon that point, in both branches, and to induce them to persist in that action. Yet, you will see that there are those of them, in both branches, who persist in agitating the question, not, I am sure, in expectation of passing any such resolutions as they will support or approve, in either branch, but, perhaps, with a wish to appear more zealous in favor of Texas than is wise here, with a view to an effect which will favor their views at your capitol. It is important that this point should be well understood by our true men at Washington, to prepare them for whatever may come to pass here. I take it for granted the objects of the great Tammany meeting are well understood by you and them, and the same objects may produce equally unwise action here, on the part of a few members of the Legislature, and that, again, may provoke more unwise action, by the body itself, in a contrary direction, and which, if not understood, may tend to subserve the same selfish and sinister objects.

"I am giving you much more than I bargained for, and must stop and go to bed, as I have been, for some time, violating the Sabbath. Still, I cannot fail to say that the propositions of Col. Benton are received with great favor by our true men, and those who are not so true do not seem to venture anything against them, and evidently dislike their source much more than the provisions. Now and then one manifests that, like Mr. Niven, of Orange, by his resolutions, which only proves the fear that Othello's occupation is in danger. I am satisfied our democracy will sustain our representatives in supporting that bill, and hope all our true friends will be able to give it their support. If it could be passed, even in the Senate, we think the subject and the Colonel would again be in their proper places, and you may tell him that 'Cato' will be rejoiced to see him floor the rogues, and continue his pre-eminence as a leader in name, as well as in fact, of the real democracy.

"I owe Judge Niles a long letter, but cannot possibly get time to write it. Will you let him read this as my apology? I am also under the same indebtedness to our good friend Mr. Hayward, and as I cannot answer his letter as it deserves, I shall

write a line to him and ask him to call upon you and read this, as all I can say at present upon this great and delicate subject. Please also to remember me most kindly to Gov. Fairfield and Messrs. Tappan and Allen, and to all others who may deserve such remembrance. Will you say to Mr. Phelps that I have not forgotten to reply to his letter, and will give him an answer in all this week? Never have I before possessed so little command of any portion of my time, and I tell you truly that this is the first letter, out of my official track, which I have written since November. I can add no more, but that I am, as ever,

"Most faithfully yours,

"SILAS WRIGHT.

"Hon. John A. Dix.

"N. B. You may show this to Gov. Dickinson, if you think he will desire to take the trouble of reading it, and in any event you may say to him that I have not become so much his enemy that I do not desire to be kindly remembered to him, or that I should not like to hear from him."

Mr Wright to John A. Dix.

"Albany, 11*th March*, 1845.

"My Dear Sir.—Your note has this moment come to hand, and I take a second to say that 'the letter' came safely and is safely locked up in my desk at home. This I ought to have said before, but did not think of your borrowing trouble about it, and when I wrote the note to which you refer I did not think to acknowledge *the letter*. I was greatly indebted to you for it, as it has helped us to understand much that would have been otherwise unintelligible. Your course was right and will be sustained by your friends, even if *the two Presidents* should defraud you of the understanding. I keep the letter for your protection, and from your anxiety about it I cannot fail to see that you must have had wicked thoughts which your pen did not trace; for, depend upon it, your letter contains nothing that could expose you.

"We *expect* the worst, and of course shall be content if we receive the best, from the organization.

"I expect this cannot get in the mail, but will have to go in the steamboat to New York, and I cannot say more, but that

"I am faithfully yours,

"SILAS WRIGHT.

"Hon. John A. Dix."

Gov. Wright to John A. Dix.

"Albany, 13*th March*, 1845.

"My Dear Sir.—Your note of the eleventh came to-day, and I am (most unusual for me) confined by indisposition and under the operation of Dr. Brandreth. I will do everything you request but destroy 'the letter;' and that I will not do till you see it, that you may see yourself how much better your pen acted than your thoughts. It is a first-rate, good letter, and does you credit; and, if in print, would verify to you the saying of my sage senatorial friend, Duncan McIntyre: 'It would look better than you think it would.'

"The only paragraph of the letter which refers to our friend Bagby, or uses his name, is in the following words:

"'I ought to say that Niles, Fairfield, Atherton and every democrat from the north, except Tappan and myself, would have voted for the joint resolution, standing by itself. Haywood would have voted for it, Benton would have felt bound to do it, and it was supposed until last evening that Bagby would have done so; and, as I have already said, all but myself would have voted for an unconditional union of that resolution with Benton's bill.'

"This is all the reference to Mr. Bagby in any way, and I have copied the whole paragraph, that you may see the connection and bearing of the single remark you did make.

"I have not time to add and save the mail. You have done right, and gained a most enviable position in the body by doing so. I can well realize the painful trial you had; but the right course and calm firmness are the things. You must not suffer the petulant and foolish remark of Allen to disturb you for a moment. He once made a like lunge at me, but he never repeated it, although it was not noticed, and he never will do it to you. The

firm adherence to an honest course frightens him more than a sharp reply. I regret most exceedingly his ill-timed movement, as I am satisfied that, without it, our worthy friend the Colonel would have gained an unalloyed triumph; and it would have been one, as his triumphs always are, for all our true friends as well as himself.

"From what I hear, I fear our friend Allen has permitted the sirens to sing in his ears during this excited period, but have great confidence that he will restore himself before you meet again. When he has had my experience, he will learn that there are periods when a man's enemies are much more anxious to crown him than his friends; but, the gilding off, the crowns thus tendered are always of thorns.

"I most deeply regret that any of our friends have used my name so as to make it an object of jealousy anywhere. I will release all my pretensions to the presidency for a single farthing at any time, and believe I have made not merely a good bargain, but actually a speculation.

"Yet, we think we see very plainly already that the one-term principle is not yet fully adopted, and it explains to us much which would otherwise be strange in the doings at the capitol.

"Very soon after your return, you must make us a visit, because we desire to receive and to communicate many important things.

"In great haste,

"I am truly yours,

"SILAS WRIGHT.

"Gen. John A. Dix."

CHAPTER CXXVI.

OFFICE OF SECRETARY OF THE TREASURY TENDERED AND DECLINED.

His ability to unravel the mysteries of financial matters, and the simplicity and clearness with which he presented all such subjects, early attracted the attention of the people to Mr. WRIGHT as a suitable head for the federal Treasury department. The principles upon which he had administered the financial concerns of New York, and those which he had advocated in the Senate of the United States, had been highly approved, and especially by the democratic party. His fidelity to them and his integrity of purpose were unquestioned, even by his political opponents. On his election to the presidency, Mr. Polk, who had long known and appreciated him, naturally, and in accordance with a common wish of the democratic party, tendered him the office of Secretary of the Treasury, which he declined.

The correspondence which passed between these distinguished statesmen, highly creditable to both, will be read with great interest, even at the present day. It will show the pure and high motives of Mr. Polk in inviting Mr. WRIGHT to a seat in his cabinet, and of the honorable and manly motives of the latter in declining the situation. It will enable the reader to understand that Mr. WRIGHT fully understood and accurately appreciated the difficulties with which he was surrounded as Governor of the State of New York; he resolved manfully and firmly to meet them and to abide by the consequences, whatever they might be. It was grossly unjust, both to him and to Mr. Polk, to impute to him puerile and petty personal motives for declining the most important,

by far, of the executive departments. In honesty and common fairness he had the right to expect belief and appreciation of those actually assigned to a personal and political friend who had paid him the highest compliment in his power as chief magistrate of our confederacy.

Mr. Polk to Mr. Wright.

"Columbia, Tenn., *December 7th*, 1844.

"My Dear Sir. — I received in due season your letter of the first of November. I congratulate you upon your election as Governor of New York, and upon the success of our common principles in the late political struggles through which the country has passed. The electors of President and Vice-President have now cast their votes and I suppose there can no longer be a doubt of my election. In preparing to discharge the high duties which must soon devolve upon me, I feel most sensibly the great importance of calling to my aid a proper cabinet. They should be able men, of sound democratic principles, of public reputation, known to the country, — and with whom my personal, as well as my political, relations are such as to permit the freest and most unreserved confidential intercourse. Such relations I am happy to know have long existed between you and myself; and to come directly to my object, I desire that you will accept a place in my cabinet. The treasury has, in my judgment, become the most important of the executive departments. Your long experience in public life, and extensive knowledge of our financial system, induce me to invite you to take charge of that department on the fourth of March next. If you are at the head of the Treasury department, the whole country will feel and know that it is in able and safe hands. You are the first and only person to whom I have given an intimation of my wishes on the subject of the cabinet. You are the only one whom I have invited to take a place in it. In regard to the other departments, and indeed all other offices which it may be my duty to fill, I am wholly uncommitted.

"I received the nomination at Baltimore, as you know, without seeking or expecting it. During the canvass I made no pledges. Since the result has been known I have made none. I

am, therefore, perfectly free to consult with my friends and select the best men to fill the other executive departments. I desire to have the benefit of the advice of my friends, and of none more than yourself. Any communication which you may make to me will be regarded as SACREDLY AND INVIOLABLY CONFIDENTIAL, as I desire you to consider this letter and any other which I may address to you on the same subject.

"Under this *injunction of confidence*, I request that you will give me your opinion freely and unreservedly, and especially of the persons whom it would, in your judgment, be proper to call to my aid in the administration. In the hope that you will accept the invitation which I tender, and thus give your valuable services to the country in the administration of the federal government, I shall await your answer before I take any step with a view to fill the other executive departments.

"Will you please to favor me with an answer at your earliest convenience?

"I am, most faithfully and truly,

"Your friend and obedient servant,

"JAMES K. POLK.

"Hon. SILAS WRIGHT, Canton, N. Y."

MR. WRIGHT'S ANSWER TO THE FOREGOING LETTER FROM MR. POLK.

"CANTON, 20*th December*, 1844.

"MY DEAR SIR. — Your favor of the seventh instant came to me yesterday. For the favorable opinion it conveys, and honorable and friendly confidence you repose in me, I most sincerely thank you. It is fully reciprocated; and I regret that my condition forbids that I should yield to your request, and thus denies to me the opportunity of manifesting by acts, as I should have an opportunity to do if thus related to you, the truth of what I express in words.

"Still, I am consoled by the reflection that a simple statement of that condition to you will satisfy you that I am not at liberty, either as a matter of public duty, of party obligation or of personal justice, to accept your offer. The statement I will proceed

to give to you in as direct and simple a form as possible, in the *confidence* you invite.

"It may not have escaped your notice that our party in this State has not been perfectly united upon questions of State policy for the last two years. Our State debt and public expenditures have constituted the grounds for the difference, so far as it has been one of principle; and the friends to a continuance of our borrowing policy and to a continuance of our works of improvement, almost irrespective of the consideration of debt, made themselves the especial and peculiar advocates of the nomination of our present very honest and worthy Governor, in 1842, and, as marked by the friends of his person and administration, after his election. There was then really no difference in our party as to our candidate for the office of Governor, although Gov. Bouck was unfortunately made to believe there was a serious one, and that the great exertions of these men had made him the successful competitor for it. Hence, as an almost necessary consequence, after his election, his confidence was given to that class of men; and although the sound policy adopted by our Legislature at the session before his election has been maintained, it has been done against the exertions of those most in his confidence, and, as many honestly believe, against his private wishes and feelings. This naturally produced want of confidence in him on the part of those who sustained the debt-paying policy. This state of things soon gave rise to the distinctions, within our own party, of Bouck men and anti-Bouck men, and the appointments of the Governor, strongly influenced by such imaginary line, soon widened the breach, and the foundation for a dangerous feud was rapidly being laid.

"Mr. Van Buren was notoriously in favor of the sound, debt-paying financial policy of the Legislature of 1842, and yet he openly, and upon all proper occasions, defended the Governor from the suspicions indulged in to his prejudice, and especially insisted upon the purity of his motives and intentions. Still, those who were strongest in their want of confidence were among our strongest men, most unbending democrats and his most marked friends. This caused some of the indiscreet friends of the Governor, who considered the nomination of Mr. Van

Buren for the presidency a settled question, to threaten that he would be held responsible for the course of these friends of his, and that, if the Governor should not be nominated, he must look for his support where he could find it. I do not feel authorized to say that the Governor countenanced this course on the part of his friends, but he was unwise enough, on some occasions, to presuppose that such a feeling might be excited.

"All these things, as you will readily see, were calculated to strengthen the distrust entertained toward him, and to increase the unwillingness that he should continue at the head of the State government. Still, the fear of exciting division in reference to the presidency restrained the expression of discontent within very narrow limits, until after the meeting of the Baltimore convention.

"The proceedings of that convention and the influences exerted upon it were at the time, and have been since, looked upon by our democracy with the deepest concern; but happily for the country, and for us in this State, the results of its labors and deliberations were greeted as cordially, and hailed as sincerely and heartily, by the democracy of New York as by any portion of their political brethren of any section of the Union, not even excepting Tennessee and Pennsylvania. They looked upon the nominations made as a complete triumph over the intrigues, and a triumph of principle and integrity over unregulated ambition. The resolution was instantaneous and universal that the vote of New York must be given for the ticket, while it was as universally felt, throughout the whole party, that its utmost energies, aided by every collateral support and unitedly directed, could alone secure that result.

"Under this feeling, the State nominations began at once to excite universal attention and profound interest; and the absolute necessity of avoiding the dangers which might attend the renomination of Gov. Bouck seemed to become more and more sensibly realized by those who had taken no part in the schism in respect to him, or who had been his honest and disinterested friends.

"I saw the danger that I might be forced into the position which I was finally made to occupy, and did everything which I

dare do to avoid it. I was unsuccessful, however, and received the nomination under circumstances which left me no alternative but to accept it.

"Instantly the report was started that this was all a trick; that it was known I would not accept a nomination to hold the office, and that it was not designed that I should, but that, if elected, I would either continue in my place in the Senate, and not enter upon its duties at all, or that I would look to you to call me from the office and State in any event, leaving the administration of the government upon the hands of the Lieutenant-Governor. In the then excited state of the public mind and feeling, this story produced a shock, and absolutely threatened a pause in the enthusiastic onward march of our democracy. The mass, as was most natural, feared that a fraud was to be practiced upon them, and that they were to be made *really* to elect, as Governor *de facto*, a man they had not selected for the office; the honest and undesigning friends of Gov. Bouck thought they saw in it a trick to get rid of him, and *practically* substitute a man whom they did not believe the party would have preferred before him; and, the opponents of Gov. Bouck, and ardent friends of a sound financial policy, did not know the views of the Lieutenant-Governor upon these questions, considered him selected rather as favorable to those who did not like my rigid notions upon those points, and therefore felt that they were to be defrauded of their great and vital object by such a transfer. All around, therefore, the tendency of the report was decidedly unfavorable and dangerous, and the duty upon me was imperious to authorize its prompt and unequivocal contradiction.

"Every step which led to my nomination, as well as the circumstances under which it was made, showed to me, and to all who marked the progress of events and their causes, as a statesman should, that, if placed in nomination, it was not for the purpose of paying a compliment to me, or with reference to any other disposition of my services, but with the earnest and determinate intention that I should discharge the duties of the office of Governor, and be responsible, so far as our chief executive constitutionally is, for the administration of the State government, and especially for our State financial policy for the official term. It

was not, therefore, to my disappointment that I was forced, by the reports I have mentioned, to declare my determination, if elected, to devote myself to the duties of the place for which I was a candidate; nor was the necessity for that *conclusion* produced by the reports. It existed in the causes which forced the nomination upon me, and the necessity for the early and wide *declaration* of it was the consequence of the reports.

"Yet you will not fail to see that those declarations, made at such a time and under such circumstances, preclude, if the original circumstances did not, as I think they did, any idea of the reconsideration of the conclusion pronounced.

"The case of Mr. Van Buren, in 1828–29, was precisely different. He was nominated with the confident expectation that, if we were successful, he would be called into the cabinet of Gen. Jackson. The Lieutenant-Governor placed upon the ticket with him was elected under the expectation that the administration of the State government would devolve upon him. The mind of our party was prepared for this transfer and desired it. Now, as I have told you, the desire and expectation are both different, and, taken in connection with my declared determination, made under the circumstances I have detailed, must and should be conclusive upon my action.

"I have been thus particular, and perhaps tedious, in giving you this history, because it is due to the subject, to yourself and to me that you should know the true grounds upon which my declination of your request is made, and because I have reason to apprehend that efforts may be made to fasten the impression upon your mind that this act of mine, and my declination of the nomination as Vice-President upon the ticket with you, should be looked upon as an evidence of a disinclination on my part to be connected with your administration. Rely upon it, you should not abuse yourself or me by any such suspicion, nor would it have a shadow of foundation in fact. If I was ever your friend, I was never more sincerely so than at this moment; if I ever anxiously wished you success in the discharge of any public duty, and felt willing to do everything in my power and consistent with my position to support and sustain you, that anxiety and that feeling were never more strongly experienced than at this

moment. But for the confident belief of our friends that it was essential to the success of the presidential ticket in this State, I certainly never should have yielded my consent to be a candidate for the office of Governor; and I could not give that consent and remain subject to the call you now make, because the very grounds upon which it was asked were inconsistent with such transfer on my part.

"In connection with these facts relating to our condition in New York, and in the same spirit of frankness and *confidence*, I feel bound to mention to you another subject, which has been, and perhaps continues to be, one of considerable speculative remark; and I do so because I am extremely anxious that your mind should not be led into error about it. I refer to the difference between the vote given to yourself, and that which I received in this State. Some affect to see in it a want of fidelity on the part of our democracy to the national ticket, and especially toward yourself; and, of course, impute the disaffection to the more peculiar friends of Mr. Van Buren. This is wholly without foundation. You had not, according to his position, a more anxious or earnest supporter in this State than Mr. Van Buren himself, and not a true friend of his in the State failed to support you to the utmost of his power. When you see that the electoral ticket polled more than 485,000 votes in the State, and that the difference between it and the State ticket was but about 5,000, a very trifle more than one per cent, I am satisfied you will not be able to believe, for a moment, that the friends of Mr. Van Buren, as a body, could have been unfaithful to you. If they have not the power to make a greater impression than this upon such a vote, they must be a mere faction, too inconsiderable to deserve your consideration, and that you know they are not, in his own State or in any other. The truth is, that I have never known the whole democratic party work more unitedly or more cordially, or so energetically, as they did in the support of the electoral ticket, during the canvass, from the hour the nominations were announced up to the closing of the polls; and any charge of unfaithfulness against any portion of them, of whatever cast of opinion as to State questions and the men of our State, would be unfounded and unjust.

It was this knowledge which induced me to say to you, in my letter of the first of November, that I believed you would get more votes in the State than I should. I spoke with reference to the democratic party, not believing that either of us would get a vote from any other source, and I am now satisfied that, as applicable to that party, my opinion was a sound one. I do not now doubt that you received more votes from those who recognize themselves, and are recognized, as members of that party, than I did, because some of our canal counties cut me off to some extent, though less than I expected. The true explanation of my increased vote, to the principal extent, is found in the fact that many of the most worthy members of the whig party, and especially those whose interests are opposed to a repetition of the speculating period, desire that the policy of 1842 should continue to govern the financial affairs of our State, and consequently do not wish a reascendency of their own party here, for the present. This feeling was known to prevail extensively among the capitalists and heavy merchants of the city of New York, as many of them avowed it; but I thought the excitement had risen so high that they would vote their whole party ticket. The returns, however, prove that they did not, and the difference between your vote and mine, in that city, being from 1,200 to 1,500 votes, is accounted for almost exclusively in this way. The abolition candidate for Governor received some 700 votes less than Birney, and the returns authorize the presumption that the most of these were given to me; being, doubtless, the votes of such members of that party as were originally democrats; and that excitement has, of late, extended broadly among our Wesleyan Methodist and Baptist churches, thus taking hold of many democrats. The remaining votes were, with few exceptions, where personal considerations may have had influence, those of members of the whig party scattered over the State, who desire a sound and safe financial policy on the part of the State government.

"I ask your pardon for these long explanations, and feel sure you will justly appreciate the motives which have induced them. The democracy of this State are as ready and determined as that of your own to support your administration, and look forward to it with as strong hope and confidence; and it could not but be

productive of unpleasant and unfortunate results, if any of these misrepresentations or misapprehensions should clothe your mind with distrust upon this point. Your generous letter has appeared to me to authorize me to say what I have, without exciting in your mind a suspicion of improper motive, while the compulsion I am under to decline your request seemed to call for so frank a statement of the grounds as to prevent that act from giving strength to these not very friendly speculations.

"If my time and space permitted, as they do not, I should scarcely feel at liberty, after declining the place you tender, to enter upon the suggestions you invite as to the formation of your cabinet. Did I propose to myself to be a member of it, I should cheerfully speak to you without restraint upon that whole subject, as well in reference to men as to measures; but, as I cannot take a place in it, I think it would be improper for me to offer my speculations. And, to tell you the truth, as to men, I have formed no impressions which I could communicate with any promise to myfelf that, upon careful reflection, they would be acceptable to myself, much less that they could be useful to you; and as to measures, I feel sure there can be no material differences in our respective views.

"My position during the second term of Gen. Jackson, and the whole of Mr. Van Buren's term, has enabled me to appreciate, to some extent, the difficulty of the task of forming a good and harmonious cabinet, and one that shall feel and observe that subordination and fidelity to the constitutional head which I consider indispensable to a safe and successful administration, without enabling me to do the thing myself or to tell another how it is to be done.

"If, however, anything in the course of your inquiries and examinations should induce you to suppose that any information in my possession, or within my reach, will be of service to you,I beg you to feel perfectly free to call upon me in the unreserved *confidence* of this correspondence, and you shall command my thoughts

"With great respect and sincere esteem,

"I am truly yours,

"SILAS WRIGHT.

"His Excellency James K. Polk,

"President elect, etc."

In this letter, with great prudence and forethought, Mr. Wright frankly explains why he was compelled to decline the office tendered him by Mr. Polk, but also presents to his consideration facts showing that Mr. Van Buren and his friends had acted with perfect fidelity toward him, and fully accounts for his own increased vote beyond that given the electoral ticket. His modesty prevented his adding that much of it was occasioned by his great personal popularity throughout the State, and especially where he was most known.

CHAPTER CXXVII.

MR. POLK REQUESTS MR. WRIGHT'S ADVICE CONCERNING THE FORMATION OF HIS CABINET.

Mr. Polk further manifested his confidence in the ability and friendship of Mr. WRIGHT by asking, on the very day he received his letter of declension, his advice in relation to the proper person to bring into his cabinet, if he desired to do so, from New York. He then addressed him the following letter:

MR. POLK TO GOV. WRIGHT.

"COLUMBIA, TENN., *January 4th*, 1845.

"MY DEAR SIR. — I have received your letter of the twentieth ultimo, and exceedingly regret that you feel yourself constrained, by the circumstances which surround you, to decline accepting a place in the cabinet. In my letter to you I named the Treasury department, for the reason assigned, that in my judgment it had become the most important of the departments, and because of your eminent qualifications to discharge its responsible duties. I have awaited your answer in hope that you would accept, and have, up to this moment, made no pledges or commitments to any one in reference to any of the places in the cabinet. I had hoped to have had the benefit of your advice in considering of the *men* proper to be selected for the other places — other than that tendered to yourself. I feel inclined to look to New York for one member of my cabinet, and without consulting with any one had selected you in preference to all others. As you stated you must decline, I avail myself of your remark, in the close of your letter, that 'if anything in the course of your inquiries and examinations should induce you to suppose that any information in my possession or within my reach will be of service to you, I beg you to feel perfectly free to call upon me in the unre-

served *confidence* of this correspondence and you shall command my thoughts.' I beg that you will suggest to me the *person* in New York whom, in your judgment, I should select. I will be pleased to know your opinion, who would be a proper *man* to fill the place of Secretary of the *Treasury* or Secretary of *State*, as I think it probable that I will take some one from New York to fill one of these important departments. I hope you will feel no delicacy or hesitation in giving your opinion of the fitness and qualifications of *men* freely, as I assure you that what you may say will be regarded and treated by me as *strictly and sacredly confidential.* Your knowledge of the *men* in New York and of their fitness for such a situation is better than mine can be, and therefore I desire to have the benefit of your opinion and advice before I make a selection.

"I expect to leave home about the first and to be at Washington about the twentieth of February. I hope to receive your answer before I set out on the journey.

"I am, with great respect,

"Very sincerely and truly you friend,

"JAMES K. POLK.

"His Excellency Silas Wright, Albany, N. Y."

Mr. Wright to Mr. Polk.

"Albany, 21*st January*, 1845.

"My Dear Sir. — Your letter of the fourth instant came to me two days since; and that I might have the test of my own opinion by that of our mutual friend, Mr. Van Buren, I have delayed all answer to make an inquiry of him as to the two men in the State to whom he would give the places of Secretary of State and Secretary of the Treasury, in case he was to select both from this State. His answer is this moment received, and is precisely what mine would have been to the same inquiry.

"Benjamin F. Butler, whom you very well know, would be my selection for Secretary of State, of all the men I know in New York; and were I President I should select him for that place from all my acquaintances in the Union. I do not say this, however, because I think you should be governed by the same

rule which would govern me. Your location is not mine; and other views, arising from that circumstance, may be controlling with you.

"Of Mr. Butler I need say little to you, because you must know him about as well as I do; and Gen. Jackson can tell you all about him as a cabinet counselor and confidential adviser and friend. I am sure I can say of him, that if I ever knew a man 'who could wear a window in his breast,' he is the man. His experience will add to his value, and his learning and pursuits eminently qualify him for any place, and for that particular place.

"If I mistake not, you have had some fear that your failure to offer me that place had given an inclination to my reply to your former letter. That is not so. I do not consider myself qualified for the State department, as I have never given my attention to our foreign relations to any extent, and have never been connected with diplomatic transactions of any character. If you had offered me that place I should have declined for that cause, and that you did not was evidence to me of the perfect sincerity of the offer you did make, and in which you judged rightly of my capacity and qualifications, so far as I have those which would fit me for any cabinet position. At the same time, your letter was such as to give that offer all the character of an offer of the first place, and it was more than satisfactory, so far as any personal feeling on my part was concerned. I gave you the true ground of my declination, and every day would satisfy you, if you could be with me, that the cause was compulsory upon me.

"I am sorry to be compelled to say it to you, but we have a contest within our own party in this State, in reference to bank and internal improvement legislation, which forced me into the position I hold, and which, it is already apparent, is to be fought over my head, and it would be ruin to our sound policy and the sound portion of our party for me to flee from it. There has been a strenuous effort to carry our troubles to Washington and to surround you with them; and my predecessor took the advantage of our vacancies in the Senate to send there a man you must recollect, Mr. Foster, who was in the House of Representatives in 1837, turned conservative, helped to beat you in the election

of printer, and to defeat the passage of the independent treasury bill. We have just closed a most heated canvass in the Legislature, and have succeeded in recalling him and sending there a man who, if not so used, I might name to you for either of the places you name, and give you one of the best of men, except the want of extensive experience. I mean Gen. John A. Dix. You will find him all you want in the Senate, and we trust his colleague will act with him, though he is not the man we should have selected, if we could have avoided it.

"For a Secretary of the Treasury I shall name to you Azariah C. Flagg, at present the Comptroller of this State. He is a man as honest and pure as Mr. Butler, and quite as clear-sighted and firm, but has not Mr. Butler's education. He was brought up a printer, and edited and printed a newspaper for some dozen years. In 1823 he was first elected to our Legislature, and in the terrible contest of 1824, which you may recollect was most disastrous to us, he exhibited talent, fidelity and firmness, which at once marked him for public use. In 1826 he was elected Secretary of State, of this State, which place he continued to hold until 1833, when he succeeded me in the office he now holds. In 1839 the whigs turned him out, but we restored him in 1842.

"He has more financial reputation than any man who has succeeded him in that place, and as strong a hold upon the honest democracy of the State as any man in it. His mind is as clear as light, and his sagacity and firmness are unsurpassed by any one of our public men. He and Mr. Dix counseled the removal of the deposits by Gen. Jackson, in 1833, when Mr. Van Buren and myself faltered, as the General can tell you. He is amiable as an associate, yielding when principle does not forbid, and always cool and self-possessed. He is invaluable to us here, and I fear I cannot get on without him; and yet, justice to him and to you demand that I should not withhold his name from you. I do not doubt he would accept such an offer from you, but I have not intimated to him that I am giving you his name.

"His integrity and firm adherence to a sound financial policy make him odious to our gambling politicians, and his re-election to his present office may be resisted by them, and possibly with success. It comes on early in February, and the result must

transpire before you can get this letter and reply to it. If he should be defeated, that result should make no difference with your action, as it will be certain to place him higher in the affections of our true democracy. If it turns out that our present Legislature has not been well selected, because too much was yielded to these disaffected for fear of danger to the great result, you must not be surprised if you see me compelled to make an issue with it for our people before the session closes. For our future soundness that may be the best thing, though I hope to avoid it. If Mr. Flagg shall not be re-elected, that result must certainly come.

"I have not time to say more and not lose a mail. I might give you various other names, but these two are so far preferred by me that I forbear to name others.

"I fear this letter may not reach you at home, though I shall address it to you there. I shall, however, send a brief abridgment of it to your address at Washington, under cover to our friend Johnson, so that, if it should miss you, you may, upon reaching there, have the names before you.

"The extract you make from my former letter was seriously intended as it was written; and I beg you to believe that nothing will afford me more sincere pleasure, whatever cares and troubles I may find in my new position, than to be able, in any degree, to aid you in meeting those you cannot fail to encounter.

"In much haste, I am,

"Most respectfully and truly yours,

"SILAS WRIGHT.

"Hon. James K. Polk, etc."

This letter contains a frank expression of Mr. Wright's views in relation to men, and the reasons for his recommendations, and also presents to the consideration of Mr. Polk an account of the divisions in the democratic party in New York, their origin and consequences, and his own relation to them. His recommendations were not followed by Mr. Polk. Neither a Secretary of State nor of the Treasury was selected from New York.

Without soliciting Gov. Wright's opinion upon the subject, Mr. Polk conferred the appointment of Secretary of War upon ex-Gov. William L. Marcy, a man of great experience in executive duties and of superior ability, and whose personal character was in all respects wholly unexceptionable. His sympathies in the divisions of the democratic party were not with Mr. Wright; while he was much admired and cherished, principally by those who acted in harmony against him and his cherished policy, which he had sustained while Governor.

The reasons inducing Mr. Polk not to follow Mr. Wright's advice, when asked and given, and for selecting an aspiring politician not in full sympathy with him, will be more in place in the biography of Mr. Polk, when written. Whether admitted to be a mistake or not, the disastrous consequences, both as to the democratic party and Mr. Wright, will not be denied, by those understanding and appreciating them, to have been of a highly injurious character. The purity and uprightness of Mr. Polk's intentions can never be successfully impugned, though the prudence and wisdom of the appointment was then and ever has been doubted. The singular ability, vigor, uprightness and success with which Gov. Marcy discharged the arduous duties of the War department during our conflict with Mexico were not a sufficient compensation for the unfortunate influence his appointment and his acts of sympathy, if not of direct approval, of the course of that portion of the democratic party in the State which opposed the financial policy of Mr. Wright, exerted in New York. The bold uprightness, unflinching integrity, energy and great talents displayed by Gov. Marcy were conceded and admired by all. They were the exact and true causes why his selection for a cabinet station produced unfavorable consequences, and tended to widen the differences and divisions in the democratic party. Although he may not have abandoned the

correct and sound principles which received his approbation while Comptroller and Governor, the common mind became impressed with the firm belief that he had drifted into the ranks with those democrats who were unwilling, in action, to conform to and yield them support. In this mainly lay the objections to his appointment to the War department. His relation to those opposed to Gov. Wright's policy induced the belief that opposition to the Governor was especially agreeable to President Polk. As an individual no one pretended to object to him. On the contrary he was esteemed an honor to the State.

CHAPTER CXXVIII.

MR. WRIGHT ADVISES MR. POLK OF THE DIVISIONS IN THE DEMOCRATIC PARTY, AND THEIR CAUSES.

In answer to Mr. Polk's request for a recommendation of proper persons to be selected for Secretary of State and Treasury, Mr. Wright made suggestions concerning the divisions in the democratic party in the State of New York. In reply to one from Mr. Polk, dated July 8, 1845, soliciting his views in relation to appointing Lieut.-Gov. Addison Gardiner or some other person to the Russian mission, he made a further suggestion on the subject, and promised to furnish him full information concerning the existing state of things, their origin, object and consequences. This promise he fulfilled in a subsequent letter, in which he gives in detail a clear and reliable account of them, specifying a case of appointment by Mr. Polk, illustrative of his views upon the subject.

MR. WRIGHT TO MR. POLK.

"ALBANY, *July 21st*, 1845.

"MY DEAR SIR.—Having a few moments this evening, and being on a start to the country in the morning, I improve them to acknowledge your acceptable favor of the seventeenth, and to redeem very briefly the promise I made to you in my last.

"The democratic party of this State is not a unit, as you have had too much occasion to learn before this day. It is not, however, so much divided as appearances at a distance would indicate, although the division between those who have held prominent places in the party is extensive. It is rather a difference among the officers than the men, the leaders than the members of the party. And yet no division in a political party was

ever less about men or more exclusively about principles and measures.

"There is, as you and I have had the strongest occasion to know, a pervading thirst for office among our population. It prevails alike with each political party and is constantly increasing. It has, within your time and mine, extended to very large and quite numerous classes, who never thought of living by office in the early days of the Republic. This, to much the greatest extent, is a mere passion for office, and a wish to live out of public patronage, very much regardless of principles or measures. The men who make up their minds to join this class, very soon make office-seeking a business, and enter into it very much with the same spirit with which the broker commences to gamble in stocks. They become the 'bulls and bears' of the political parties, and care not who loses if they win. Of course, they are the men who make the most noise; who assume to lead and to hold influence; who praise the most freely and condemn the most positively, and who change men and parties and measures according to the prospects of the political stock market. These men are injurious to all parties, to all administrations, and to all magistrates charged with the dispensation of public patronage. We have our full share of them in this State; and yet my experience and observation, for the last twelve years, have pretty well satisfied me that we have but about our share, and that our sister States, upon an average, are about as well stocked as ourselves with this class of politicians.

"The power and influence of these men vary materially at different periods and under different circumstances. Where there are no great national questions or questions of deep principle to awaken and interest the public mind, they often become almost, or altogether, controlling. When, however, principles and measures occupy the public mind of a State or of the country, they govern the movements of the masses, and not the clamors or intrigues of the office-seeking classes.

"This last is rapidly coming to be, or rather, in my judgment, has come to be, the condition of the people and of political affairs in this State; and I do not think I have ever seen a time when there was less anxiety as to the men who shall hold office,

merely for the sake of the men, while there is a keen sensitiveness about appointments as they affect measures and principles, and the influences which are to act upon the progress of those measures and principles.

"Two great points of principle now occupy the commanding positions in the eyes and minds of the freemen of this State. The first in importance and interest is the question of our public debt; its final payment at the earliest practicable period, and a constitutional limitation upon the power of the Legislature to contract public debt for the future, effective and stringent in its provisions, are the objects sought by the agitation upon this point. The second is a more effectual organization of our system of corporate credits; and here I think one great and simple principle alone will satisfy the feeling already awakened and rousing itself to action. That principle is, unlimited individual liability upon all corporators, as it now rests upon natural persons. Many minor points, especially in reference to incorporations for banking, will, of course, be suggested and discussed; but this is the great step demanded, and which I have not a single doubt must and will be fully taken, before any party can retain power in the State. Equally certain is it, in my judgment, that the limitation of the legislative power to control public debt, and the policy of paying, within a short period, the debt which exists, must be the one secured and the other unresistingly yielded to, equally as a condition of holding power in the hands of any party.

"These are the points upon which our division line in the democratic party in this State is run, and it is not influenced at all by men, but by these questions of principle. Years have been expended already in endeavors to accomplish these great objects, through legislative action, preparing the way for the action of the people. The differences of opinion in our own party, upon the questions, has prevented the accomplishment of these efforts, and, at last, a convention is to be called. I was one among the number who hoped, to the last, that this necessity would be avoided. Others, in whom and in whose judgment I possessed every confidence, had surrendered hope and been openly for a convention for years. They had been more intimately acquainted

with the affairs of the State than I had, and were better qualified to judge than I was. Still, I thought them mistaken. I am now, and was before the adjournment of our Legislature, well satisfied that the mistake was mine and not theirs. They had constantly contended that there was a portion of our party, not formidable in numbers, but truly powerful in wealth, experience and active energy, determinately and unyieldingly opposed to these reforms, and who would sooner leave our party, or break it down, than surrender these points. As a general remark, our bankers are the strength of this interest, both as to its wealth, its influence and its energy, but they have auxiliaries in the most of those whose business it is to make profit from the increase of the public debt.

"Our more recent banking system, called our free banks, has almost necessarily connected these two questions, because it requires public stock to constitute bank capital, and now admits none but the stocks of this State. If we pay our debt this system of banking must substantially cease in the State, unless, as we have done heretofore, while we pay one dollar upon one existing debt, we contract a debt of two dollars upon a new one. The bankers, too, will lose their business if public debt gets out of fashion, and banking will cease to be the attractive business it is, when every stockholder, director and officer of a bank shall be made liable as joint partners for the notes and liabilities of the bank. When this business shall cease to be carried on, and its mad hazards taken, at the risk of the whole public, and it shall be at the risk of those who engage in it, and at their risk alone, as much as trade and merchandise, the public and private losses resulting from it will cease, because these gambling hazards will not be taken. All the charm which formerly surrounded banking, and indeed the belief that it was a business of that patriotic character which made it just that the public should take all the risks; and that bankers should derive all the profits, is forever broken in this State; and I am as certain that these reforms will be effected, before the public mind surrenders them as the leading questions of our politics, as that our institutions will continue.

"As I have before said, these questions absorb the ordinary interest as to men, and there is much less than usual care as to

what man, if he be sound upon these points, holds any given place. If he be not sound upon these points, and the place be one which may and probably will exert an influence upon these questions, the appointment cannot be made acceptable, come from what source it may, and be the man's other qualifications ever so perfect. This I have had occasion to learn from my own short experience, and to observe from your acts. I have fallen under censure because I have selected men not believed to be sound upon these questions, though unexceptionable otherwise, and even when the place could add little, if anything, to the influence of the citizen. It was not this which constituted the cause of complaint, but it was the doubtful light in which such selections placed my fidelity.

"So with yourself. I will mention a single case — the collectorship of the port of New York. The removal of Van Ness was demanded by a feeling like that which demands political changes, as he was not considered as placed in that office by the democracy of the State, or to serve them, or for having served them, but because he had used his best efforts to thwart their wishes. Mr. Coddington was recommended because he had ever been a sound democrat, and because he was believed to be sound upon the great questions of principle of which I have spoken, and not because he was Mr. Coddington. There were scores of men in the city, who, so far as political feeling was involved, would have been equally acceptable. There were, however, few men thought to be so well qualified as Mr. Coddington to manage that difficult and complicated department. When you passed by him and took Mr. Lawrence, you took a man identified with the bank interest, and not considered sound upon these great questions, and therefore your selection was not popular, although Mr. Lawrence is a worthy, honest, clever man, and personally, I doubt not, has as many friends as Mr. Coddington. This appointment has had another and worse effect upon yourself. It is considered as indicating your preference upon these great questions, and as ranging you on the side of the bank interest.

"This point would not assume the importance it does, as you are not in the State, were it not that this policy with us at home,

and the policy of the independent treasury with the federal government, are, in the minds of the mass of our democracy, held to be identical; and the hearts of our people are no more set upon these reforms at home, than they are upon that reform in the affairs of our national finances.

"I have no more time, or I should go further. Yet I am sure your time will not allow you to read a longer letter than this is; and as I hope I have presented the questions which control our affairs here, and which color the medium through which your acts are seen, so that you will clearly see what it is that makes our division, so far as we have one, and what it is that raises up distrust toward you, so far as you hear of it, I will close, at least for the present.

"I have written for your own eye alone, and without any wish other than to give you information which I hope may be useful, and which cannot fail, I think, to help you understand us and our affairs and our opinions and feelings better than you could without it, and which I hope will exempt us from the suspicion that a mere scramble about offices and men governs us. If I shall have, undesignedly, in saying what I have, made use of any remark not entirely friendly, I beg you to be assured that it is the remark of haste and not of intention.

"I do not desire, by this long letter, to impose upon you the labor of a reply, for it calls for none. If you shall have patience to read it and can do so, and shall believe it is well intended, you will have done all I do, or have a right to, ask. Still, it will afford me pleasure at all times to hear from you, and to give you, so far as I may be able, true information as to our condition.

"With great respect, I am truly yours,

"SILAS WRIGHT.

"His Excellency James K. Polk,

"President, etc."

The frank and clear manner in which Mr. Wright communicated to Mr. Polk a faithful and true account of the real grounds of differences in the democratic party in New York, and their consequences in the State, will commend the foregoing letter to the favorable considera-

tion of every reader. They would fully justify Mr. Polk in acting upon them and in harmony with Mr. Wright's views. In administering the government of Tennessee, he had been guided by principles deemed equally sound and beneficial to the true interests of the State. It is believed he never questioned their soundness or applicability to New York, or doubted that they would there produce the most salutary and beneficial effects. In theory Mr. Polk and Mr. Wright undoubtedly harmonized. Why, in practice, Mr. Polk so frequently selected so many of his assistants in public stations, in New York, from the ranks of those who were, in principle and feeling, opposed to the well known views of Mr. Wright will not be long a mystery to those who know that he was surrounded by a cabinet containing but one real friend of Mr. Wright, and nearly all the residue looking without favor upon the rapid and firm manner in which he was rising in the estimation of the democracy throughout the Union, with three, if not four of them, struggling for the presidency. These, when appointments for their respective departments were made by the President, naturally claimed, and to a great extent doubtless exercised, a controlling influence. Mr. Buchanan, Secretary of State, Mr. Walker, Secretary of the Treasury, and Mr. Marcy, Secretary of War, were looked upon by the public as candidates, having numerous friends preferring them respectively, while some of the other members had the presidency on the brain.

Surrounded by such influences, it would be expecting too much from Mr. Polk that he should study out and understand the cases of individuals urged upon him for appointment, and select only those who were truly sound upon State questions. His means of knowledge were limited, and measurably confined to those who had more solicitude and interest in weakening than in strengthening Gov. Wright in furthering the principles and policy

upon which his administration of the affairs of his State depended. It was policy in them to make the test of an applicant's claim to an appointment depend mainly, if not entirely, upon the question whether he had exerted himself in favor of Mr. Polk's election and gave his administration cordial support, and not whether he was yielding a willing support to the principles and measures of State policy marked out and pursued by the Governor of the State of New York. He would naturally bring proof of the one; while the other, not deemed of equal importance, was to be presumed from this and from his being a democrat, there being no one present to make an issue concerning it or to demand and investigate the proof if any should be offered. Mr. Polk's errors on this subject, as far as he committed them, resulted from a deficiency in suitable knowledge, and did not flow from a design or wish to injure Gov. Wright and his administration as Governor of New York or weaken his influence in that State, or impair his high standing there or elsewhere. The Author thought so then, when in daily and confidential intercourse with him, and thinks so now, when calmly reflecting upon the events occurring a quarter of a century since, and when both, and most of the actors of those times, sleep in their graves. Had Mr. Polk acted under Gov. Wright's advice in the formation of his cabinet, no errors of the federal administration would have occurred to its own injury or unfavorably affecting that of the State. Mr. Butler or Mr. Flagg would have given advice, not influenced by jealousy or inspired by political hopes or ambition, but beneficial to both administrations and to the democracy of the State and nation.

Chapter CXXIX.

Informs Mr. Polk of the course of the New York conservatives.

Although limited in numbers, the conservatives in New York were intelligent, active, energetic, and among those who were most successful and prosperous in the pursuit of their private enterprises. They were successful in creating and spreading the impression that they were recognized at Washington as the leading spirits in the democratic party in the State and controlled the federal patronage. They impressed upon the minds of Mr. Polk and those composing his administration that, in their own State, they were at the head of the democratic party, and, from their position in it, were entitled to a controlling voice in relation to federal appointments in the State. They equally misled Mr. Polk and some members of his cabinet and the democracy of New York, and succeeded in accomplishing a double purpose, but both tending to secure a position to which they were not entitled.

In a frank interview between Gov. Wright and Mr. Bancroft, previously Secretary of the Navy, and then Minister to Great Britain, the latter said that New York political affairs were not properly understood at Washington, and urged him to communicate freely on the subject to Mr. Polk, which he did in the following letter:

Mr. Wright to Mr. Polk.

"Albany, 18*th October*, 1846.

"My Dear Sir. — At the conclusion of a very free conversation with Mr. Bancroft, while here on his way from Washington to Boston, at his solicitation, I promised to write you a frank

private letter, a promise which I had intended to fulfill before this day, but the pressure of official business has prevented. Indeed I write now with but a few moments at my command, and rather to fulfill my promise than to write the very long and minute letter I had intended. Upon reflection, I think I may spare myself of repeating details, if you will permit me to refer you to a letter I wrote about a week ago to the Postmaster-General, and if he will permit you to peruse that letter. It was written in reply to a letter from him and was strictly private. Of course it was not intended for your eye, and I may have used expressions in it which I should not have used in a letter to yourself, though I am not aware that I have. I certainly did not intend to say anything disrespectful or unkind, or which I thought could wound the feelings either of Mr. Johnson or yourself. My object was to let him know precisely our situation in relation to the administration, and to those who principally hold its patronage in this State, but not to complain of any one, or to lay blame anywhere.

"It is unfortunately true that there has been an apparent conflict of object and purpose between your administration and mine from the commencement, so far as men in this State have been concerned, and, with a few elevated exceptions, such as Butler and Hoffman, every man holding an office under you has seemed to consider it his duty, or his interest, to oppose me. I speak not of yourself or myself as individuals in this remark, but as personating the respective administrations. This has been so marked, so universal and so actively exercised, as to have produced the almost universal impression, in the minds of our democrats, that the object at Washington was to change the power in the State to the hands of our little conservative faction, or to the hands of the whigs. That impression still prevails to a very wide and injurious extent, although it has been considerably modified within the last few weeks. We know that this faction could not have survived the winter of 1845, if the impression had not been produced and sustained that it was to have the countenance and support of the federal administration.

"I have been very unwilling to believe, at any time, that yourself or Mr. Johnson, especially, could have this intention, or could

have any object in entertaining or acting upon it; and yet I will not deny that there have been periods when I have been wholly unable to defend either you or him against the suspicion and the charge.

"I am assured, however, by Mr. Gillet, Mr. Buchanan and Mr. Bancroft, that such a suspicion has, at all times, been unjust as to yourself, and such a charge without foundation. I am more than willing to believe their assurances, for it has been exceedingly painful to me to suppose that I had, in any way, incurred your hostility or forfeited your confidence politically. I knew that I had not justly subjected myself to either misfortune, therefore my personal sorrow was far inferior to that experienced on the public account, for I could not fail to see that the course of things was tending to break up our party in the State and throw us into the power of the common enemy, and was equally certain to destroy your support from the State, and have your administration, so far as this State is concerned, powerless and friendless as to any power which could or would sustain it. I know very well, if you adhered to the principles and measures upon which you was elected, that the interests of the conservatives, which have always governed their political action, would soon render them, at best, lukewarm friends, as, upon the subject of banks, the independent treasury and the tariff, their interests are in direct conflict with the democratic policy. On the contrary, the great body of our democracy are perfectly sound upon these measures, and will stand by them whatever party may bring them forward. These very questions, and kindred questions as to our own finances and banking, have produced the division which exists in our party in the State; and it was so absurd as to be repulsive to the feeling and sense of our sound democracy to see such a faction assuming to be the exclusive friends of your administration, professedly elected to carry out this very policy, while they were fighting the policy as applied to the State government with perfect desperation.

"I am forced to the conclusion that, without your knowledge or agency, means have been taken at Washington to disseminate these impressions among the democracy of this and other States, because the impression has been produced most effectu-

ally upon both sides of the democratic party, and I do not doubt that many of those who hold federal offices have been induced to take the course they have solely from the conviction fastened upon their minds — how and from what quarter I know not — that it was necessary, to secure their good standing at Washington. I am forced to this conclusion, because those whose whole former association and feelings have been different, upon receiving office have at once fallen into this course of action. Appointments have been pressed and contested to establish this conviction upon the minds of our people, as we have been constantly aware, and the trick of it on you, has been eminently successful.

"I do not mention these things to complain of the past, but to let you see what state of feeling has been produced and how it has been brought about.

"Still, the measures of your administration have been such as to command much more of the respect, admiration and attachment of our true democracy than of this conservative faction which has assumed exclusive friendship toward you and your administration, as our public press cannot fail to show you daily. The truth is, if you pursue these measures and this policy faithfully — as I trust in God you will — this party will soon stand toward you and your administration as it did toward Mr. Van Buren and his, in 1840, and will prefer to exchange you for a whig to get rid of your sound democratic measures.

"Not so with our sound democracy. If not forced off by constant manifestations of want of confidence, they will stand by you; and, in any event, they will stand by these measures.

"As to myself, I am prepared, as fully as I ever was at any moment of my life, to give you any aid in my power, to maintain the confidential personal and political intercourse which has so long existed between us, and, so far as this State is concerned (if you will permit me to do so), to give you advice as to appointments which cannot fail to change the existing feeling, and to restore to you the good feeling as well as political confidence of the great body of the sound democracy. To do this usefully and effectively it will not do to have it understood — and especially if I hold my present office — that I am to be consulted in all

these cases of conflict for office; that I may be left to advise you confidentially, and as to men's opinions, interests, relations and preferences, and that, possessing the facts truly, you may yourself make the selections, and that the appointees may feel that they have been selected by you and not by me. This is an office I do not seek, because the discharge of its duties with fidelity would be laborious and often very delicate and unpleasant; but to protect you from imposition I will cheerfully perform it on any occasion, upon your request.

"If in writing to you thus freely I seem to you to be indelicate, I reply I do so because my own personal feelings and my anxiety for the welfare of the democracy prompt it, and because Mr. Bancroft assumed to speak authoritatively for you and urged the course upon me as one strongly desired by yourself. If he has misunderstood your wishes you need feel no embarrassment from this letter or from stating that fact to me, as the last thing I can wish is to press myself or advice upon you unacceptably.

"I am interrupted and must close this hasty letter, and I am well aware that I should rather apologize for its length than for not making it longer.

"With great respect,

"I am truly yours,

"SILAS WRIGHT.

"His Excellency James K. Polk,

"President, etc."

Mr. Polk to Mr. Wright.

"Washington City, *October 26th*, 1846.

"My Dear Sir. — I received, four or five days ago, your confidential letter of the eighteenth ultimo [instant]. I appreciate the frank but at the same time friendly spirit in which you make known to me the existing state of political opinion and feeling in New York. I should deeply regret it if any act of mine shall add to the distractions and unfortunate divisions already existing in the democratic party in New York, or that shall tend to place in jeopardy its continued ascendancy in the State. Certainly nothing that I have done was intended to have such effect.

In the dispensation of the patronage of the federal government in New York, as well as elsewhere, I have acted from the best information which I was able to obtain. You know it is at all times a delicate duty, and one difficult to be performed in a manner satisfactory to all. In the appointments which my duty has required me to make in New York, I have endeavored to secure the services of competent and faithful public officers, and, if possible, to heal the schisms and conciliate and reunite the conflicting sections of the democracy, where such divisions existed. I fear from what I learn from you, as well as from other sources, that I have been unsuccessful in accomplishing the latter object in your State. If I have been so, I have the consolation to know that my intentions were good. I saw that by a very close vote in the Union I had been elected, and that I could not have been so but by the union of all sections of the democratic party. I saw that unless this union was preserved our opponents might succeed in electing my successor. It was for these reasons that I thought it wise to do justice to all branches of the party and to proscribe none. In all this I may have erred, but I state to you frankly the considerations which governed me. That some mistakes may have occurred in the selections which have been made, I am free to admit. From the nature of things, I cannot have the *local information* and knowledge of *men* which would guard me against error. All my predecessors have been occasionally led into the commission of similar errors, in making appointments, and it is impossible it should be otherwise. In the absence of personal knowledge the executive must rely upon written recommendations. I had personal knowledge of very few of the *men*, and still less of their peculiar bearing in New York. A few of them I did select, mainly from my personal knowledge of them when in Congress some years ago, and of this class were *Butler*, *Gillet*, *Devezac*, *Turrill*, *Lawrence*, *Hoffman and Moore*. Of others, though I may have had a slight personal acquaintance with some of them, I had to rely mainly upon the representations of others. Written recommendations are easily obtained and are often deceptive. I have had several striking instances of this during my time. You would, I have no doubt, be surprised, if you could see the recommendations which were made to me, of some

of the persons whom I have appointed in New York, whose appointment yourself and the true democracy of the State regard to have been unfortunate. I mention these things, that you may appreciate the embarrassments and difficulties by which I have been surrounded.*

"In dispensing the public patronage in New York, the idea which you mention, that there had existed an apparent conflict of object and purpose between your administration and mine, so far as men are concerned, is one which surely never entered my imagination, and if any have drawn such an inference they have been wholly mistaken. Equally unfounded is the impression which you state exists in the minds of many democrats, that the object at Washington had been to change the power in the State to the hands of the faction called conservatives, or to the whigs. You know that I have never had any sympathies or entertained any opinions common with either of these parties. You remark that it had given you pain to suppose that you had in any way incurred my hostility or forfeited my confidence politically. It gives me equal pain to learn that such an impression has been for a moment entertained, and I can only say that I am not conscious of having given the slightest ground from which such an inference could be drawn. No such thought or feeling ever entered my mind. My measures and my public policy is the best refutation of the absurd assumption, which you inform me the conservatives have endeavored to impress upon the public mind, that they are the exclusive friends of my administration. If any impression of that sort has gone out from Washington, as you intimate it may have done, it was not only in itself false, but I am wholly ignorant of the agents by whom it could have been disseminated. I regret extremely to learn, as I do from your letter, that any of those who hold office by my appointment have been weak or wicked enough to act upon so false an assump-

*Mr. Polk, on several occasions, showed the Author papers strongly recommending applicants, signed by men in New York standing high in the estimation of the democracy, which were followed or sometimes preceded by letters from some of the signers, requesting that no attention be paid to their names because obtained under the pressure of circumstances, and not because the appointment ought to be made.

tion and to arrange themselves in hostility to the body of the democracy of the State. I will, if possible, ascertain whether, without my knowledge, any persons here have been instrumental in fastening such convictions on their mind. If such has been the case, and I can ascertain who the factious and guilty authors of such fabrication are, and when discovered they be connected with the government, I will not fail to hold them to a strict account for a course of conduct which not only does me great injustice, but inflicts so severe a blow upon the democratic party and its principles — principles cherished alike by you and myself.

"I am highly gratified to learn from *yourself* (what indeed I never doubted, judging from my knowledge of you, and from the coincidence of opinion which existed between us in former times) that you, as well as the true democracy of New York, approve the measures and policy of my administration. You give me assurance that, if I pursue these measures and policy, the sound democracy will stand by me and by them, and express the opinion that, if I do so, the conservatives will become lukewarm friends, if not open opponents. I need scarcely assure you that, whatever may be the consequences, I shall, to the end of my term, unswervingly adhere to the principles and policy which have thus far marked the course of my administration. Indeed, I have but little trouble comparatively, in regard to the principles and policy which I ought to pursue. My greatest vexation and embarrassment grow out of the patronage which I am required to dispense. I could heartily wish I had not an office to bestow. If I had not, my time, I am sure, would be spent more pleasantly, and, I may add, that there can be little doubt my administration would be more successful.

"There is one fact which has come to my knowledge since the adjournment of Congress, which goes far to confirm the opinion you express, that if I pursue my measures and policy faithfully, the faction calling themselves conservatives will be found in opposition to me. The fact to which I allude is, that certain leading conservatives from New York were on a visit to Washington, near the close of the late session of Congress, and when the tariff bill was in its most critical stages, and exerted their utmost influence, as I learn, with members of Congress, to defeat

that great measure. They called to see me, but did not introduce the subject, and I had no idea what their business was until lately. I now have reason to apprehend that the same persons, and those who act with them, will exert themselves to have the late tariff act modified or repealed at the next session of Congress. I rejoice to see the sound state of public opinion among the democracy of New York on that subject. The opinion expressed by your democratic State convention, and in the address of the democratic members recently assembled to revise your Constitution, that the new act should have *a fair trial*, is the true one. If the Representatives from New York who are of the true democracy are firm in its support, as I cannot doubt they will be; the tariff of 1846 can neither be modified or repealed at the next session. I think it of the greatest importance, not only for the prosperity of the country but for the continued ascendancy of the democratic party in the Union, that it should not be disturbed. I think that the only danger is at the next session. I apprehend none afterward.

"As I have introduced this subject, without designing to do so when I commenced this letter, except to refer to the course of the persons alluded to in opposition to the late act, permit me to add a few words more. The mode of attack on the law will probably be to prepare, in the first instance, a modification of the duties on coal and iron; but if this be yielded to, it will be but the entering wedge; the whole subject will be thrown open, and by a system of log-rolling, which has become so common in legislation, all other interests will be embraced and we will be again at sea, and where we will land God only knows. If the act can be preserved untouched at the next session, the constitutional treasury act be put into full operation, a graduation of the price of the public lands be effected (a measure which Ohio and the western States demand), and I shall be so fortunate as to bring the Mexican war to an honorable conclusion, as I am most anxious to do, I shall feel that I may be able, at the close of my term, to hand over the government to a democratic successor who will maintain and carry out the same policy. The success of these measures will, I think, assure the continued democratic ascendency. If, on the other hand, the tariff is kept an open

question, and the country continues to be agitated by it, the result may not be so certain.

"The graduation of the price of the public lands was the only one of the great democratic measures which failed of success at the last session. It was recommended by Gen. Jackson and Mr. Van Buren, and, in my judgment, it is important that it should be carried at the next session. It is not only right in itself, but its success would go far to conciliate and strengthen our political friends in a large and important section of the Union. Some of our northern friends at the last session had difficulties on the subject, as the details of the bill before them did not suit them, and voted against it. I hope, upon further reflection, these difficulties may not be insuperable. The whig party, as a matter of course, voted against it, because it was brought forward as a democratic measure. But I must stop. I find I am running into matters which I had no idea of touching when I commenced writing.

"Recurring again to your letter, I am exceedingly gratified, my dear sir, that, notwithstanding the course of events in New York, as connected with the dispensation of the public patronage here, you frankly avow your readiness to give me any aid in your power to maintain the confidential and personal intercourse which has so long existed between us. This, I assure you, was to me, under the circumstances, a grateful sentiment, and is one which I sincerely reciprocate on my part. I never had any other feeling or desire. I will, with pleasure, avail myself of the friendly aid which you offer, and hope for the future to avoid the difficulties which have heretofore beset my path in dispensing the patronage of the federal government in New York.

"With my best wishes for your welfare and happiness, and an anxious desire that you may be rechosen Governor, and that the democracy may succeed at your approaching trial in carrying all their other elections,

"I am, with great respect,
"Your friend and obedient servant,
"JAMES K. POLK.

"To His Excellency Silas Wright,
"Governor of New York."

Mr. Wright to Mr. Polk.

"Albany, 30*th October*, 1846.

"My Dear Sir. — Your letter of the twenty-sixth was received on the twenty-eighth and read with interest and pleasure. I thank you for its frankness and fullness. My experience has shown me fully how little dependence can be placed upon mere ordinary letters of recommendation and petitions touching appointments to office, even when acting within my own State; but the letters from Mr. Johnson, Mr. Walker, Mr. Buchanan and yourself, compel me to believe that there has been a systematic course pursued by our conservatives to produce the impression, upon the minds of all those receiving appointments from your administration, that opposition to the administration of the State was the way to secure their positions.

"We have noticed constant intimations, in The Argus and other kindred papers, that we were disguisedly hostile to you and your administration; but not suspecting the object, and knowing that the declared measures and policy of your administration were ours, and were those which induced them to falter under Mr. Van Buren, we were willing they should vaunt their friendship for your administration, and commit themselves as strongly as they would in advance to that policy and those measures which there was too much reason to fear they would try to defeat, if they saw the measures likely to meet the sanction of Congress.

"We knew, also, that delegations from these people were constantly visiting Washington, making it a sort of trade to solicit for the offices — to be more for Texas than the Texans themselves — more for Oregon than fifty-four degrees, forty minutes, etc., and to keep up a very active and confidential correspondence, purporting to be very much by authority, etc.; but I did not suspect that a fraud upon your administration, as well as mine, was at the bottom of all this maneuvering. We often heard that from one to four or five of our conservative Senators were with you at a time, and invariably found subsequently some new movement about some office, and renewed activity and zeal in our federal office-holders; but we said nothing and did nothing, because we could not suppose the position or disposition of these men was not fully understood there. I am now constrained to

suppose that a game was playing upon your administration as well as upon our democracy, and that the mass of those for whom offices were obtained were made to believe that the condition of their promotion was to serve the views of those men here.

"After the tariff and independent treasury bills came up and were likely to pass, we were by no means surprised to find a delegation of the most prominent of these men here leaving for Washington, one, at least, of them openly charged to defeat the bill, if it could not be changed to meet his interests; nor were we surprised to see from that time The Argus perfectly silent on the subject of the tariff, and very much so as to the administration itself, and our hostility to it.

"But I will not tire you with these details. It is enough for me to believe that a correct understanding prevails; and it shall be my effort to see that like tricks are not played, without being exposed for the future.

"Our contest is upon us. We make no prediction as to the result, but must refer you to the canvass as it is made. The results in other States have encouraged our opposition a good deal, but do not seem extensively to have discouraged our friends, and we yet intend and expect to carry the State, though we fear that the ballot-boxes may develop opposition which is not apparent; otherwise, we are quite sanguine that we must succeed.

"This is a very hasty, free letter, written for your *private eye only*. It is not intended to prejudice anybody or charge anybody, but to put you on your guard for the future. If you will consider our democracy as one party, and so treat it, you will have no trouble and we shall have none, but if you attempt to consider us divided, and so treat us, we shall always be divided, because the desire for the offices will keep us so; while, if they are only to be gained by a faithful service of the one party, they will not be the means of division. If we could have a government without officers, it would be well for the people and for those who are charged with their administration. Our divisions must end with this election, whatever may be its result. If we are beaten, those in our own ranks who aid to do it will go off with the majority, and if we succeed they will be compelled to go off, or come back as friends, and not as an independent party.

"I will not detain you further, but to repeat that this hasty scrawl *is strictly private*, and should you dispose of it as I do all similar correspondence, you will lay it upon the fire.

"In much haste,

"I am truly yours,

"SILAS WRIGHT.

"His Excellency James K. Polk, etc."

These are supposed to be the last letters passing between Mr. Wright and Mr. Polk. The latest is dated only a few days before the disastrous defeat of the democracy of New York, and the election of John Young over Silas Wright, who had never before met with a reverse. His overthrow surprised every one more than himself, as the foregoing letters clearly show. Gov. Wright's letters disclose the fact that the course of the conservatives had caused him to distrust the friendship of Mr. Polk. This feeling became wide-spread among his friends, and still lingers in the minds of many who do not know that it was originally groundless. They were warm personal and political friends. They had served together in the House of Representatives in Mr. Adams' time. Both participated with zeal in the elections of Gen. Jackson. The one had sustained and defended him in the House, and the other in the Senate. Both had contributed to the election of Mr. Van Buren and given him cordial and able support. Mr. Polk's policy in administering the State government of Tennessee, when Governor, was substantially that which Gov. Wright was pursuing in New York. In the principles and measures most appropriate for the successful management of the federal government they perfectly harmonized. In his second annual message, Gov. Wright had indorsed the principles and measures which Mr. Polk had presented to the consideration of Congress. Among other things he said:

"As a declaration of the policy of the present administration of the federal government, the message of the President appears to me to justify the confidence entertained by the country in the publicly avowed principles of the man, and to realize the expectations naturally excited by his elevation to the high trust he holds. The re-establishment of the independent treasury was confidently anticipated as a result of his election, and that great measure could not have been more distinctly or strongly recommended to Congress than it is in this message. The principles put forth which should govern an adjustment of the laws for the collection of our revenue from the customs are also those the country had a right to expect from his public declarations upon that subject. They appeared to me to be substantially the principles upon which alone a tariff of duties on imports can be adjusted, which will have any promise of permanency or which will give reasonable satisfaction to the different sections of our widely extended country, and to all the various interests to be affected."

He also fully indorsed the recommendations of the message in relation to our claim to Oregon.

Mr. Polk was a strictly honest man, firm in his friendships and steadfast in his adherence to all the principles composing the democratic faith, and, like Gen. Jackson, he fully confided in all whom he esteemed his friends, and especially those he had called to his cabinet or had elevated to distinguished positions. Suspicion formed no part of his nature, and therefore the machinations of some about him, and the double-faced acts of many of his New York appointees, were wholly unknown and unsuspected by him. His confiding nature prevented his giving credence to the accusatory averments of Gov. Wright's friends against many of his appointments and against the effective influence of some included in his cabinet. In the numerous conversations with him on these subjects he assured the Author that he would believe whatever he would state as fact from his own knowledge, but he was afraid to trust to inferences which a warm and

excited friendship might draw. He could not see how any man professing democracy could fail to appreciate Gov. Wright as he did. Shortly before the election, it was known that a large number of custom-house officers in the State of New York, many postmasters, including James Wasson at Albany, and sundry employes of the War department, and especially at Watervliet, who claimed to be democrats, were halting in their support of Gov. Wright, then a candidate for re-election, while some were openly opposed; and all apparently acting under the impression that such course was necessary in order to retain their positions under Mr. Polk. It was not until Hon. Albert H. Tracy, of Buffalo, not an active partisan, who had long served with him in Congress, wrote to Mr. Polk that he knew the accusations were substantially true, that he yielded his former opinions and gave credit to them. They were equally injurious to him and Gov. Wright and the democratic party.

Mr. Polk thereupon called such of his cabinet as had control of those holding appointments in New York, informed them of what he had heard, and, with no small degree of energy, affirmed his steadfast personal and political friendship for Gov. Wright and his desire that he should receive every democratic vote in the State and be re-elected, and desired that each should contribute to the extent of his power to refute the slanderous falsehood and produce that result. Each member present assured him that he was equally friendly and desired the same result, and promised to exert himself to the utmost to accomplish the object desired. What they respectively did in furtherance of the wishes of Mr. Polk is unknown, except that Robert J. Walker wrote Gov. Wright that he was in favor of his re-election, and authorized him to publish his letter, — a suggestion better calculated to provoke indignation than to be treated as an act of kind-

ness. Mr. Wright did not avail himself of the privilege of publishing a certificate of favor, from a wily and dexterous adversary, to aid himself with those who knew him far better than they did its author, but instantly committed it to the flames.

When Mr. Polk had closed his interview with the different members of his cabinet he sent for the Author, informed him of all that had occurred, expressing his deep regret that he had not earlier given full credit to what he had told him, and authorized him to use his name in every way he deemed advisable to arrest and correct the mischief. Mr. Polk was highly indignant that any one should have been made to believe that his friendship for Gov. Wright had cooled or abated, and especially that he could be supposed to desire his defeat or the overthrow of the democracy of the State. The Author used every possible means to counteract the mischief which had spread from the false assumptions concerning Mr. Polk's designs and wishes, but with very little success.

It was too late. The mischief had been done. Even the authors of it could not have counteracted the effect of their own treacherous acts, if they had desired so to do. The poison of a wicked falsehood spread, and consequences most fatal, not only to Gov. Wright but to the democratic party in the State and throughout the Union, followed. The effort of Mr. Polk to defeat the wrong intended by the authors of the falsehood had one highly beneficial effect. All that was done was fully communicated to Gov. Wright, and removed from his mind the painful impression that Mr. Polk had been using the patronage of the federal government to defeat him in New York. Full confidence was restored between them, much to the happiness of both. The Author assured Gov. Wright that Mr. Polk was his faithful personal and political friend, and stubborn facts con-

firmed the assurance. The closing correspondence between them showed they were mutual and fast friends, both devoted to the support of the Constitution and pure democratic principles, from which neither had ever deviated in the least during their lives. They harmonized on both State and national policy, and to the end were faithful to democratic principles.

CHAPTER CXXX.

GOVERNOR WRIGHT'S VETO OF AN ACT IN RELATION TO THE CANALS.

The Legislature elected in 1844 assembled on Tuesday, the 7th of January, 1845, at the capitol in Albany. Addison Gardiner, of Monroe, having been duly elected, took the oath of office as Lieutenant-Governor, and became President of the Senate. The Assembly being democratic, elected Horatio Seymour, of Oneida, Speaker. He was the son of Henry Seymour, long a Canal Commissioner, a man of talent and business qualifications of a high order, and of spotless reputation and unquestioned integrity. The new Speaker was highly talented and had been well educated. He was prepossessing in appearance and polished and dignified in manners, graced with winning cordiality. His friends predicted for him a distinguished future, which has been fully realized in his being twice elected Governor of the State and recently the trusted standard-bearer of the democratic party for the presidency, thus giving a prominence to the proposed measures. Mr. Howard made an extended written report, which accompanied the bill, in which grounds adverse to those presented by the Governor were set forth, and predictions, in favor of the policy recommended, made, which have never been realized.

On the twenty-fifth, three days after being reported, the bill was before the House for consideration, and was debated.

In forming committees, the Speaker placed upon that on Canals, Mr. Sears of Madison, Mr. Howard of Lewis, Mr. Porter of Delaware, Mr. Bevins of Oneida, and Mr.

Coe of Allegany. The committee thus constituted could not fail, from the location of its members, to favor a policy, in relation to canals, adverse to the views expressed by the Governor before his election, and in his message delivered a week previously.

On the twenty-second of April, Mr. Howard, of Lewis, through whose county the Black River canal would pass, and to whose committee so much of the Governor's message as related to canals had been referred, brought in a bill entitled "An act in relation to the canals." Mr. Coe, whose county would be benefited by the Genesee Valley canal, reported against by the Governor when in the State Senate in 1827, moved to refer the bill to the Committee of the Whole, when on the first bill on the general orders, which was agreed to.

The Speaker moved to amend the bill by adding to the fourth section, that "Nothing in this act shall be understood as appropriating or authorizing the expenditure of more than the said sum of $197,000 for the public works of this State; but this section shall not in any way affect the provisions of this bill relative to the lock in the village of Elmira, which shall in any event be rebuilt, if, in the opinion of the Canal Commissioners, the interest of the State shall require it," which motion was adopted. The previous question was then demanded and sustained, and the bill put upon its passage and carried, by ayes 68, nays 26, — three of the Canal Committee, Bevens, Coe and Howard, voting for, and one, Porter, against it; the chairman, Sears, not voting. The bill was thereupon sent to the Senate for concurrence. It does not appear to have received a very critical examination in the Assembly, nearly three-fourths of the members apparently resting their opinions upon the report from the Canal Committee, and probably many followed the lead of their popular Speaker, in whose leadership they naturally confided.

In the Senate the bill encountered more difficulties, where it was received on the twenty-sixth of April and was not finally acted upon until the thirteenth of May, the day previous to the final adjournment. Mr. Denniston moved its reference to the Committee on Finance, which consisted of Messrs. Bockee, Porter and Hand, which failed, 10 ayes to 13 nays; whereupon it was referred to the Committee on Canals, — Messrs. Denniston, Varian and Scovil. Mr. Denniston, from the Committee on Canals, to whom the bill had been referred, in behalf of the majority reported in favor of passing it, and for himself made a written adverse report, of which five times the usual number of copies were ordered to be printed. The bill was then referred to the Committee of the Whole, where it was several times discussed and finally passed by the following vote:

"*Ayes* — Bockus, Bartlet, Beers, Burnham, Chamberlin, Corning, Emmons, Faulkner, Folsom, Hard, Mitchell, Putnam, Scovil and Varian — 14.

"*Nays* — Beekman, Bockee, Denniston, Hand, Johnson, Jones, Lester, Porter and Smith — 9."

Among the yeas are democrats and strong personal friends of the Governor, who, however, did not favor his financial policy. This is especially so with Messrs. Corning and Varian. The nays are believed to be devoted friends of his debt-paying and anti-debt-contracting policy. Why the vote was kept back in the Senate until the last day but one of the session is unexplained. The Governor, however, expected the bill would pass, and, in anticipation of that event, had prepared an elaborate veto, which was instantly communicated on the receipt of the bill, when passed, not a little to the astonishment of those who had passed it, no one of whom knew that he had anticipated the result and was prepared to render it, under the Constitution, ineffectual. Had the Legislature adjourned before receiving the

veto — although, if not approved by the Governor, it would have died in ten days — the reasons for withholding his signature could not well have been embodied and published, nor appeared on the legislative journals. Whether the delay in action, by the friends of the bill, had any such object in view cannot now be known, but such an inference would not be unnatural, if not conclusive. The objections of the Governor to the bill were not met and overcome by the discussions in either House when the bill was up for consideration, nor by the report of Mr. Howard, who originally introduced it.

Extracts from the Governor's Veto Message, Dated May 13, 1845.

"*To the Assembly:*

"Gentlemen. — A bill originating in your honorable body, entitled 'An act in relation to the canals,' has been placed before me for my approval and signature. I find myself unable to approve this bill, and therefore, in obedience to the Constitution, return it with my objections.

"The first section of the bill appropriates $197,000 from the revenues of the canals, and commands its payment by the Commissioners of the Canal Fund, for the following objects and in the following proportions, namely:

"First. Twenty-five thousand dollars 'for the reconstruction of such locks on the Crooked Lake canal' as the Canal Commissioners shall judge necessary to insure the safety of navigation on that canal.

"Second. Eighty-two thousand dollars 'for the purpose of completing and bringing into use such works on the Erie canal enlargement' as the Canal Commissioners shall decide will best promote the interests of the State and the facilities of navigation.

"Third. Fifty thousand dollars 'to be expended upon the Genesee Valley canal for the following objects, to wit:

"'1. For preserving the work on the Genesee Valley canal, which has been finished and not brought into use.

"'2. Or which has not been finished.

"'3. And the materials that have been procured and paid for, or estimated to contractors for such work.

"'4. And for the purpose of completing the construction of such portions of the unfinished work on the said canal as the Canal Commissioners shall be of opinion will be the most economical for the interests of the State.'

"Twenty thousand dollars to be expended upon the Black River canal south of Booneville, for the same objects as those specified in relation to the Genesee Valley canal.

"And twenty thousand dollars on the Black River canal north of Booneville, for the same objects.

"I have used the language of the bill as far as I could, and make my statement of the provisions clearly intelligible, and have stated fully and truly the provisions of the first section of it, if I understand them correctly.

"Against the first expenditure authorized, namely, the reconstruction of such locks on the Crooked Lake canal as the Canal Commissioners shall judge necessary to insure the safety of navigation on that canal, I make no objection; on the contrary, the information I have been able to obtain induces the belief that the expenditure would be a proper one, and may become necessary to the navigation of the canal.

"Against the second expenditure authorized, for the purpose of completing and bringing into use such works on the Erie canal enlargement as the Canal Commissioners shall decide shall best promote the interests of the State and the facilities of navigation, I should not find myself compelled to interpose objection. The enactment, it is true, does not follow the guarded precedent found in chapter 278 of the Laws of the last session, where the rule of expenditure was a previous determination that it was better economy and more for the interest of the State to complete and bring into use the new work, than to repair and continue in use the old. Yet the information I have been able to obtain from official and authentic sources authorizes the belief that the sum of eighty-two thousand dollars, proposed to be apportioned to this object, might be expended upon the Erie canal enlargement, in completing and bringing into use new locks and other

structures, within the rule laid down in the act of the last year; and the Legislature cannot entertain a stronger confidence than I do in the judgment of the Board of Canal Commissioners so to direct this expenditure as to bring it within this prudent rule or as near as possible to it.

"While the magnitude and condition of the public debt, and the state of the revenues applicable to its payment, shall be such as to require a continuance of the suspension of the public works, this rule appears to me to be manifestly the safe and proper one, as to the unfinished and partly completed new works; and if the enactment under consideration had left it to the judgment of the Canal Commissioners to complete and bring into use such works only, on the Erie canal enlargement, as would promote the interests of the State and facilities of navigation, the provision would have been less objectionable. It is not so. The mandate upon the Commissioners of the Canal Fund to pay the money appropriated is imperative, and, of course, as I suppose, the implied obligation upon the Canal Commissioners to expend it upon the objects specified is equally imperative. If they cannot find those objects, the completion and bringing into use of which will be 'better economy and more the interest of the State' 'than it is to repair and continue in use the old works,' in the language of the law of last year, they must select such as, in their judgment, 'will *best* promote the interest of the State and the facilities of navigation,' in the language of this bill. That is, if they cannot find those works which can be completed and brought into use more economically and better for the interests of the State than to repair and continue in use the old works, they must select those which they shall decide will come nearest to this rule of expenditure. This is my understanding of the fair construction of the provision; and yet, as the information I have received satisfies me that the Canal Commissioners can find unfinished works upon the Erie canal enlargement upon which the amount of this appropriation may be expended, without a violation of this safe rule, I should not be compelled to withhold my assent from this enactment of the bill.

"I have come to the same conclusion in relation to the three first objects of expenditure upon the Genesee Valley canal, as

they are found specified in the bill and are above enumerated, viz.:

"1. To preserve the work which has been finished and not brought into use.

"2. To preserve the work which has not been finished.

"3. To preserve the materials that have been procured and paid for, or estimated to contractors for such work.

"These are expenditures to preserve, protect and save work which has been done at the public expense, and materials which were required in the prosecution of that work, up to the time of its suspension for want of the necessary means to prosecute it to completion, and must, therefore, be considered as expenditures dictated by economy and the best interests of the State, if the works themselves and the materials for their further prosecution, at a future day, are worth preserving. Should this point be considered a questionable one, it is not a question for me to decide. That decision must be left to that Legislature which, having the means at its command, shall be called upon to authorize the resumption and completion of those works. The present Legislature has, by the passage of this bill, pronounced its judgment in favor of the present preservation of the works and materials, in the condition which the suspension has left them, and that judgment I am not disposed to resist. These provisions of the bill, therefore, if unconnected with others which are insuperably objectionable, I should approve.

"The same remarks will be applicable to the appropriation for the Black River canal, so far as the expenditures are directed to be made for the preservation of the works and materials; and the language of the appropriation, referring to that for the Genesee Valley canal, is 'for the like purposes, and to be expended in the like manner.'

"This brings me to the provisions of the bill which I find myself unable to approve. That relating to the Genesee Valley canal is enumerated above, under the fourth head of expenditure upon that canal, and is, by the force of the language last quoted, in effect, repeated in reference to the Black River canal. The expenditures upon both are directed to be 'for the purpose of completing the construction of such portions of the unfinished work

on the said canal as the Canal Commissioners shall be of opinion will be most economical for the interest of the State.' This enactment I am compelled to consider as putting an end to the policy of a suspension of the public works until the debt of the State shall be brought within the safe and certain power and control of its revenues, without taxation upon the people; and is a distinct resumption of those works, under circumstances quite as objectionable, in reference to the provisions and policy of the suspension act of 1842, and the other legislation, previous and subsequent, upon the same subject, as such resumption would be, without any forms of limitation upon the expenditure.

"I am well aware that this bill preserves the forms of limitation, and that its friends appear to have convinced themselves that its provisions are in strict accordance with the provisions and policy of the suspension act, and, of course, I presume, with the other legislation to which I refer. In this view of the enactment in the bill, now under immediate consideration, I am wholly unable, after the most careful examination and mature reflection, to concur with those who hold these opinions, and hence my inability to approve and sign the bill itself, while this provision constitutes a part of it. I will proceed to state the grounds of my dissent, and my objections to the enactment, as concisely as shall be consistent with a clear and full understanding of them.

"The assumption upon which the appropriation in the first section of the bill rests is, that there is a surplus of the canal revenues, equal to the sum thereby appropriated, over and above all the requirements of the suspension law of 1842, which surplus is open to the free disposition of the Legislature, without any infringement upon existing pledges of the public faith, or any violation of the sound policy declared and established by the passage of the suspension act. At least it appears to me that the appropriation rests upon the assumption of these premises, and my objections grow out of my belief that these premises are entirely erroneous.

"In the first place, if the surplus assumed did in fact exist beyond the express requirements of the act of 1842, and beyond a sound and faithful adherence to the policy of that act, I do not think the Legislature could make the appropriation of it, for a resump-

tion of the work on the unfinished canals, without a direct infringement upon the numerous and long existing pledges of the public faith, and pledges, too, which are now pressingly calling for fulfillment and redemption.

"The first of these pledges to which I propose to refer is that contained in the law authorizing the construction of the 'Cayuga & Seneca canal,' which was passed on the 20th day of April, 1825. That law declares that 'the moneys appropriated shall form a part of the canal debt, and be repaid out of the Canal Fund.'

"On the same day, the 20th of April, 1825, a law was passed to authorize the construction of the 'Oswego canal,' which declares, 'and the funds hereby appropriated shall form a part of the canal debt and be repaid by the Canal Fund.'

"At the time when these laws were passed, the terms 'Canal Fund' had a definite signification, well known to the creditors of the State and to those who proposed to become such. It was that sacred fund, set apart and pledged by the Constitution of the State, for the security of those who should make loans of money to it for the prosecution of its great undertakings, the completion of the Erie and Champlain canals. It was the fund which had embodied the public confidence, not merely in our own country, but in Europe also, and had raised the credit of the State to a proud elevation. A pledge of this fund, a promise of payment out of it, would be sure to command loans upon favorable terms, and without embarrassment or delay. It would do that, almost without a reflection as to the promise of productiveness of the work proposed to be constructed with the money advanced.

"Those who scanned the Constitution closely, or listened attentively to the discussions which attended the passage of these laws, were aware that the pledge of the Constitution did not reach these appropriations; but they saw it declared that the Legislature possessed the power to pledge the fund, subject to the pledge which the Constitution had placed upon it, and that these appropriations would be the first liens upon that rich fund when the constitutional pledge should be redeemed. These declarations were palpably true; and that they secured the confidence

of the public was demonstratively manifested in the avidity with which capitalists sought and took the loans for the construction of these canals.

"The law for the construction of the Chenango canal, passed on the 23d day of February, 1833, contains the next pledge upon this fund to which I propose to refer. It authorizes the loaning of $1,000,000; declares that the loans made under it shall be paid after the close of the year 1845, 'or sooner, if the debt now charged on the canal revenues shall have been paid;' and after pledging the tolls to be derived from the canal, when made, and all gifts, grants and donations which might be made to the State on account of the canal, as a fund for the payment of the interest and principal of the sums borrowed for its construction, contains this section:

"'§ 7. If the funds appropriated in the preceding sections shall not prove sufficient to pay the costs and expenses of the Chenango canal, then it shall be the duty of the Commissioners of the Canal Fund to pay the same out of any moneys which may be on hand, belonging to the Canal Fund, which may not be pledged by the Constitution of this State.'

"The last of the stock issued for the construction of the Erie and Champlain canals was made redeemable on the 1st of July, 1845 — July of the present year. Then the constitutional pledge was to be removed from the Canal Fund, by the final payment of the Erie and Champlain canal debt.

"The whole of the stocks for the construction of the Oswego canal, $421,304 in amount, and $150,000 of those for the construction of the Cayuga & Seneca canal, were made redeemable on the 1st July, 1846, just one year after the final payment of the Erie and Champlain canal debt and the redemption of the constitutional pledge.

"The law above referred to, for the construction of the Chenango canal, required the $1,000,000 of stock, to be issued under it, to be made redeemable 'after the year eighteen hundred and forty-five,' which is to say, on the 1st day of January, 1846, six months before the Oswego and Cayuga & Seneca canal stocks would become payable, and directed the Commissioners of the Canal Fund 'to pay the same out of any moneys which may be

on hand, belonging to the Canal Fund, which may not be pledged by the Constitution of this State.

"Subsequent legislation, in furtherance of the construction of this canal, increased the amount of the Chenango canal stocks, redeemable on the first day of January next, from $1,000,000, authorized by the first act above referred to, to $2,362,535.66; and that amount of Chenango canal debt is now payable on that day.

"Here the pledges, made in the laws authorizing the loans for the Cayuga & Seneca and Oswego canals, were completely circumvented, unless the Canal Fund should have the ability to redeem all three pledges on the days named.

"The Chenango stock was made first redeemable, and the direction to the Commissioners of the Canal Fund to pay it out of any moneys on hand 'which may not be pledged by the Constitution of this State' gave to that stock positive priority, as the pledge in favor of the Cayuga & Seneca and Oswego stocks was not a constitutional but a legislative pledge.

"Is the Canal Fund to possess the ability to pay $2,362,535.66 of Chenango canal stock on the first day of January next, and $571,304 of Cayuga & Seneca and Oswego canal stocks on the first of July next, and to meet the appropriation made by the first section of this bill? No one expects it or pretends that it can be so. It is not to be able to meet the payments of the stocks alone in any way but by new loans, which are not yet authorized by any law.

"Still, are not these pledges in favor of the holders of these stocks binding upon the faith and honor of the State? Are those made to the lenders of the money with which the Oswego and Cayuga & Seneca canals were constructed less solemn and obligatory, because a subsequent Legislature interposed a pledge in favor of the holders of a much larger amount of the Chenango stocks? So far from seeing any release from these solemn pledges of the public faith to private citizens in this conflicting legislation, I am able to see only increased obligation, and especially upon this Legislature, the last which meets in this State before the day of payment under one of these pledges is to arrive,—the Legislature which must provide the means to redeem these pledges or they must be forfeited.

"I confess my inability to find anything in the suspension act of 1842, or in any other law, which releases us from the full obligations of all these pledges to our public creditors; and I cannot bring myself to believe that the oath I have taken will permit me to consent to appropriations of the moneys of the Canal Fund to objects not indispensable to the preservation of the property of that fund and the productiveness of its revenues, in open disregard and willing violation of the faith of the people of the State, thus trebly pledged. It does not relieve my sense of duty that the debts cannot be paid at the day, in any event, and that the only question is, whether we shall pay a small sum, more or less, on that day, as in either case our faith will be equally broken. The debtor who pays all it is in his power to pay may claim to have saved his principles and his honor, though his faith and promise be broken; but he who does less than this may not be able to sustain this claim.

"It has been said that these certificates of stock are not made payable upon any day certain, 'but at the pleasure of the State,' after a day named in the certificate; and, therefore, that the faith of the State is not pledged to pay at any precise period, but only when it pleases to pay after the day named. To my understanding, the faith and honor and pleasure of the State, used in reference to obligations of this description, are, practically speaking, terms of like meaning and import. What is the obligation of the bond or the promise of a sovereign State but its pleasure? What is its faith or its honor but its pleasure? It pays its bond or repudiates it at its sovereign pleasure, and no power on earth, unless it be another and more powerful sovereign State, can coerce it or enforce the bond. It fulfills its promise or breaks it, precisely as its sovereign pleasure shall dictate, and who can bring suit or levy an execution? It preserves its faith and maintains its honor, or throws both to the winds to gratify its sovereign pleasure, and who shall set bounds to the indulgence of that 'pleasure?' Just as much, then, is the obligation to pay at all dependent upon the pleasure of the State as the time of that payment, when the day to make it is named in the bond. This language, in the obligation of a sovereign State to a citizen, was probably introduced in deference to the sovereignty of the august

contracting party, and as a signification that it could not be coerced and that its pleasure is its only pledge of payment. The phraseology is believed to be uniform in stocks of this description.

"It is certainly uniform in the stocks of this State, and was inserted in all the scrip issued under the constitutional pledge which was made to secure the payment of the Erie and Champlain canal stocks as fully as it is found in the Chenango, Cayuga & Seneca and Oswego stocks. Indeed, all or nearly all our laws, authorizing emissions of public stocks, refer to the 'act to improve the funds and provide for the redemption of the funded debt of this State,' and declare that the certificates of stocks shall be issued in the manner directed by that act, and it prescribed the form of the certificate and inserted the phrase, 'payable at the pleasure of the State' after a day named, which has universally, hitherto, been held by the whole world, and admitted by the State itself, to be the day of payment. This act was passed in reference to the war debt, and long before any canal stocks were issued.

"The same phraseology is believed to be universally inserted in all the public stocks issued by the United States, and if the view which I have presented of the obligations of a sovereign State can properly or usefully employ.

"Entertaining these views, I am constrained to consider these pledges as resting upon the moneys of the Canal Fund, after the constitutional pledge shall have been finally redeemed on the first day of July next; and that this Legislature cannot, without a direct infraction of them, divert these moneys, or any portion of them, to new objects of expenditure not connected with the protection and preservation of the property of the fund and its revenues, and leave these stocks unpaid at the times for their payment. These are pledges, as it appears to me, above and beyond any provisions contained in the suspension law of 1842, or any provisions which could have been rightfully or properly enacted in that law or any other.

"The law authorizing the construction of the Black River canal, passed on the 19th day of April, 1836, contains a pledge upon this Canal Fund in the precise language of that above copied

from the Chenango law, with the addition of the words, 'or not otherwise appropriated,' thus obviating the conflict with prior pledges of a like character, which the provisions in the Chenango law had produced. The pledge in this case is, that the stocks shall be redeemed by the moneys of the Canal Fund 'which may not be pledged by the Constitution of this State, or otherwise appropriated,' and stocks were issued to the amount of $800,000 upon the faith of this pledge, and made redeemable on the 1st day of January, 1851.

"An exactly similar pledge to that recited is found in the law authorizing the construction of the Genesee Valley canal, passed on the 6th day of May, 1836, and $2,000,000 in amount of stocks, made redeemable on the 1st day of January, 1861, were issued under that law.

"These again are pledges upon the Canal Fund and its revenues, older than the suspension act of 1842, and cannot, in justice to the holders of these stocks, or without an infraction of the public faith, be considered as released or weakened by any of the provisions of that law. There may be provisions of a like character in other laws authorizing loans for the various canals, as time has not permitted me to examine all that legislation; nor would a reference to other like pledges strengthen the argument which it has been the design of these references to present.

"It is not contended that these pledges, resting upon the Canal Fund, interdict the Legislature from making any appropriations from the canal revenues for objects of new expenditure until all these debts are paid, but simply that the Legislature cannot, without an infraction of these pledges, equally unjust to the public creditors and tax-payers of the State, make such appropriations of the means necessary to meet these debts as they fall due, and at times and in a manner directly calculated either to defeat or postpone their payment. Hence this objection to this bill, as the moneys it proposes to appropriate, not connected with the preservation and security of existing works, or the improvement of existing navigation, but to progress with new works not expected to be brought into use by the expenditure of the appropriations, are imperiously required to meet the payment of the Chenango stocks falling due on the first day of January next,

and the payment of which, on that day, in addition to the general obligation of payment arising out of the loan, was made an express pledge upon these moneys by the law authorizing the loan to be made.

"In my annual message to the Legislature I discuss in a more general manner, and derived my conclusion, that the payment of those portions of the canal debt falling due should control the resumption of the works upon the unfinished canals, from the obligations, independently of these special legislative pledges upon the Canal Fund moneys; and I still think that conclusion sound and irresistible, and only illustrated and enforced by these pledges, held out at the time of contracting the debt, to strengthen the confidence of the public creditors upon the one side, and to give the people of the State increased assurance of security against taxation upon the other."

He examined, at great length, the bill with reference to the provisions of the act of 1842, which required the collection of a tax of one mill on the dollar of the assessed valuation of property in the State, the borrowing certain sums to meet existing debts and to establish a sinking fund, and to suspend the public works until the further order of the Legislature, excepting certain specified objects. He then states the condition of the finances, showing what had been expended on the canals and for principal and interest on the public debt, and what money would be required to meet the engagements of the State and to redeem its pledges, and that there could be no surplus which could be used under this bill. He then continues:

"These are my objections to the bill under consideration, too hastily to be briefly stated, or stated as clearly as I could desire, though I hope in a manner to be understood by the Legislature and by our common constituents.

"I cannot yield my approbation to the bill,—

"Because, in my judgment, express pledges contained in the laws authorizing loans for public works, now falling due and becoming payable, imperiously require that the moneys it appro-

priates to be expended on new works should be applied to the extinguishment of the debts created by those loans.

"Because I think the policy involved in the passage of the bill — that of postponing the payment of the existing debt as it shall fall due, that we may use the funds for a resumption of the public works — is a direct violation of the spirit and intention of the suspension law of 1842, and unwise and impolitic in reference to the true interests of the people of the whole State.

"Because the facts set forth, in relation to the present condition and amount of the canal debt, appear to me to show that the effect of the operation of the law of 1842 upon the debt, influenced as it has been by subsequent legislation, has not been such as to offer any promise of the payment of the debt in the period of twenty-two years and a half,* in case the public works shall be now resumed and portions of the canal revenues diverted from the payment of the debt to be expended in their prosecution.

"Because the provisions of the bill appear to me, upon a more careful examination, directly to conflict with the positive requirements of the act of 1842, and to assume as a surplus those moneys which must be contributed to the sinking fund directed to be established by that act, if its enactments are to be obeyed.

"And because the provisions and pledges of the act (chapter 314 of 1844) are expressly violated and disregarded by the appropriation contained in the first section of the bill.†

"Independently of the great objections of principle which have been urged against the passage of this bill, I am forced to consider the present a most unfortunate time to introduce the change of policy it proposes. The embarrassments upon individuals and

*The time assumed on the passage of that act that would, under it, be required to discharge the whole canal debt, which was about $20,000,000, and now, at the end of thirty years, it is only about one-half paid.

† This bill, by disregarding the pledges upon the strength of which moneys were borrowed, if it had become a law, would have been invalid; because in conflict with that provision in the federal Constitution which forbids any State to pass a "law impairing the obligation of contracts," these pledges forming a portion of the contract as much as if inserted in the bond.

sections of the State, and the direct losses to the public, consequent upon a sudden suspension of the public works, have not yet been fully ascertained and measured in relation to the suspension of 1842. Much of the time of each Legislature, subsequent to that of 1842, has been consumed in the consideration of grievances and claims growing out of that suspension; and bills are, and have been, before this Legislature, containing provisions in favor of such claims which would more than exhaust any canal surplus assumed to exist by the bill under consideration. Under such circumstances, to resume these works upon such slender means as those proposed to be applied to resumption, must be to invite, almost immediately, a second suspension, with all its comparative disappointments and embarrassments to individuals and interested sections of the State, and all its losses to the public; or it must be to lay the foundation for an open abandonment of the sound debt-paying policy of 1842 for that of a general recommencement of works of internal improvement, relying upon the unaided and already heavily-tasked credit of the State for means. If any one hopes to pursue a middle line between these two courses, he hopes against experience and the natural operations of cause and effect. Payment of the debt at the day, and in strict conformity with the pledges of the public faith, must guide and control our legislation, or open expenditure, irrespective of the redemption of the debt, will control it. He who supposes the public works can be resumed, and their prosecution confined to the expenditure of such annual surpluses as this bill assumes and appropriates, has turned his attention much too superficially to the history of our own legislation upon the subject of public expenditures of this character, and has looked at the present condition of the other heavily indebted States of the Union, and the causes which have conspired to bring them to that condition, without the instruction which those lessons should impart. That middle line cannot be preserved. If payment of the debt is to govern our policy, a substantial and faithful adherence to that policy, a preservation of the public faith and redemption of the public obligations, will alone inspire public confidence. If a resumption of the public works is to be the policy, a healthful and vigorous prosecution of those works alone will, as it should, content our

constituents; and any attempt to preserve a feeble and sickly and inefficient adherence to both these courses at the same time will prove an entire failure.

"Another reason why I considered the present an unfortunate time to make this change of policy, is the evidence before us of a determinate disposition in the public mind to remodel our constitutional system, in reference to expenditures of this description. Ever since the prostration of the credit of the State in 1841, and the consequent suspension of the public works and the establishment of the financial system adopted by the Legislature of 1842, the attention of our people has been drawn to the necessity of some further constitutional protection against the dangers of enduring debt and perpetual taxation. Extended discussion for two years, resulted in action by the last Legislature — originating and submitting to the people, previous to the last election, specific amendments to the Constitution — taking two most important positions in reference to the further increase of our public debt for these objects, namely:

"1. That no debt should hereafter be contracted for expenditures like these, until the law authorizing the loan should have been submitted to the people and expressly approved by them, by their direct vote at the polls; and

"2. That no law submitted to the people for their approbation should contain authority to make loans for but a single work or object of expenditure, and should contain irrepealable provisions for a sinking fund to meet the interest and pay off the principal of the debt within a specified period.

"This Legislature, elected with reference to these provisions as amendments proposed to the Constitution of the State, has expressed its sense — the one House by the constitutional vote of two-thirds, and the other by a majority — in their favor; thus reflecting most truly, as I verily believe, the deliberate sense and wish of a majority of the people of the State.

"The propositions, however, having failed to receive the constitutional vote of two-thirds of the Assembly, cannot be submitted to the people, according to the provisions contained in the Constitution for its amendment, and have therefore failed. This failure, together with that of other amendments similarly pro-

posed and similarly failing, has secured the passage of a law for the call of a convention of the people of the State to amend the Constitution. That convention, if the call shall be affirmed by the people, as I do not entertain a doubt that it will be, is to be assembled in little more than one year from this day. Then we have every right to expect and believe that a reorganization, in a constitutional form, of our financial system, and of our powers over the use of the public credit, especially as touching the subject of internal improvements, will take place. Now our condition is peculiarly favorable for such reorganization, be it what it may, as no work is in progress to be injuriously affected or materially interfered with by any change which the convention may think wise and safe. Under these circumstances, to resume the public works, make new contracts, and a reorganization for their prosecution under the old financial system which was suspended in 1842, it appears to me would only be to embarrass the convention or disappoint the contractors, and subject the State to new losses without any promise, with the means possessed, or proposed to be used by this bill, of making very material or useful advancement with the works. I must, therefore, for this reason, consider the resumption of these works, at this time, inopportune and unwise.

"Great as I consider the weight due to these objections, of economy, time and expediency, but for the more grave objections of principle, which I have stated in the former part of this communication, I should not be constrained to interpose my individual opinion in opposition to that of a majority of the Legislature. The regret that I feel at being compelled to do it, under any circumstances, I have not the power to express; and still my most solemn convictions assure me that I but discharge an imperious constitutional duty, unmixed with, and uninfluenced by, a single personal feeling or interest of which I am conscious. That the consequence of my action is but a call upon the Legislature to reconsider its own, and not a necessary rejection of the bill, is a gratifying reflection; and I am not without hope that the considerations I have presented, imperfect and tedious as that presentation is, may induce the two Houses to come to my conclusion, — that the bill, in its present shape and with its pres-

ent provisions, ought not to pass. If, on the contrary, these considerations shall seem to deserve no weight, and the bill shall pass notwithstanding the objections, the harm, if any, of this communication must fall upon myself, where it should rest if the objections are not well founded. Should neither of these results follow, and the bill fail for a want of the constitutional vote, a majority of both Houses continuing to be in its favor, in that case I shall cheerfully submit to the people of the State the decision of the issue which will be formed between myself and a majority of the Legislature, rejoicing in the conviction that the difference of opinion on my part is unaccompanied by one personal feeling unfriendly to a single individual of that majority, and determined that the decision of our common constituents shall be submitted to by me in the same spirit in which I have joined the issue.

"SILAS WRIGHT."

On the reading the message, after debate thereon, the House proceeded to vote on the question whether the bill should become a law notwithstanding the Governor's objections.

Those who voted in the affirmative were:

"Messrs. Barber, Betts, Bevens, Blake, Bloss, Bowen, M. Brooks, L. H. Brown, S. A. Brown, Bush, Cameron, Casner, Coe, Collins, Comstock, C. F. Crosby, Culver, Edwards, Fenn, Field, Fonda, Frisbee, Garretson, Gifford, G. Goold, Hannum, Harris, Heermans, Howard, Hunt, Huntington, Jarvis, Johnson, D. Lee, Litchfield, Long, McVean, Mann, Morrison, Niven, Oakley, Raymond, Rice, Ross, A. C. Smith, Speaker, Spring, J. Stevenson, Sweeney, Thayer, Van Valkenburgh, Walrath, White, Wyckoff, Wynant, J. Young — 56."

Those who voted in the negative were:

"Messrs. Bachman, Bagg, Bailey, J. Brooks, Brower, A. H. Buell, Bunker, Burdick, Carpenter, Chase, Constant, Crain, Danforth, Dickson, Gregory, Harden, Hazelton, Herney, Horton, Jones, Kinne, Knapp, T. R. Lee, McCarthy, KcKey, Mather, Mersereau, C. B. Miller, S. Miller, Morris, Moulton, Newkirk,

Pierce, Porter, Preston, Rogers, Russell, Sager, Searing, Sears, Shuman, Skelton, W. Smith, R. L. Stevenson, Strobridge, Tefft, Thompson, Titus, Tuthill, Wheeler, Whitney — 51."

Those who were absent were:

"Messrs. Billings, Boughton, Burt, E. Crosby, Dayton, De Puy, Dewy, Fellows, D. Gould, Hall, Hammond, Hein, McDonald, Pardee, Salisbury, Tibbits, Van Schoonhoven, Wells, Wilcox, Worden, A. W. Young — 21."

The affirmative vote being less than two-thirds of the members present, the bill failed to pass. From the votes given against it in the Senate, when before that body, it would have failed in that House if it had now passed the Assembly.

This bill and the proceedings upon it were, at the time, the subjects of much discussion throughout the State, and are now often referred to, by Gov. Wright's friends, as deeply affecting, if not controlling, the question of his re-election. From 1827, when, in the State Senate, he made his report upon canals, debt and taxation, his opinions upon the finances of the State were known to all who felt an interest in such subjects. During the canvass, the previous year, his views on them had been called out and published. His annual message, delivered at the opening of the session, elaborately discussed them with candor, frankness and cogency, leaving nothing in doubt. His opinions were known to harmonize with the celebrated act of 1842, often called "Michael Hoffman's act," from his agency in securing its passage. The democratic party came into power upon its principles, and avowed and stood upon them when the Governor and the Legislature were elected. A majority of both Houses were understood to be democrats, and the Assembly had elected one for their Speaker. In this state of things a Canal Committee, a majority of whom were adverse to the Governor's known policy, was appointed by him, who made an elaborate report calculated to overcome it, and

reported the bill in question. Near the close of the session the bill was reported and placed at the head of the business calendar, and hurried through with little or no discussion; and its scope and effect were not understood by those not familiar with our canal interests, our debts and real financial obligations and condition. The leading advocates of the measure, and especially the Speaker, could not claim to be ignorant of these matters, or to have been misled in relation to the Governor's settled opinions from want of knowledge on the subject. It was natural to expect the whig party, whose policy had been overthrown by the act of 1842, and had been fully condemned by the Governor in his message, would vote to revive their own fallen policy and to thwart that sustained by the Governor. But that a democrat should engage in so arranging and combining as to act in harmony with them, and should adhere to that position on the final vote, to overcome the Governor's veto, struck the democracy with wonder. The Speaker, to the last, adhered to an attitude of hostility to the Governor's known policy, demonstrated by his veto as necessary to preserve the honor and good faith of the State, after the delivery of his message. It was then asserted and widely believed that the object in view, with him and his particular friends, was to combine those in favor of the more "speedy" canal policy and the whigs against the Governor, and, to preserve his consistency and devotion to principle, compel him to veto the bill. Having once acted together to defeat his policy, they would naturally withhold their votes from him if presented for re-election, and thus promote his overthrow. Although not conceded by them to be true, the circumstances were calculated to create that impression, which still extensively lingers in the public mind, and the more firmly, because the next year, when nominated for re-election, it essentially contributed to accomplish that result, as the votes in differ-

ent localities demonstrate. If the real object was to resume the public works and bring them into more extensive use, the sums appropriated were too trifling to accomplish anything worthy of consideration. If it was to contribute to the abandonment of the policy of the act of 1842, then it was a repudiation of the policy established and sustained by the democracy, as a party, and was coalescing with their open enemies. As those who acted together on this subject failed to do so after the defeat of Gov. Wright, it is difficult not to infer that his overthrow was the real object impelling the actions we have detailed. The reader, with all the facts before him, will, of course, draw his own inferences, which may be widely different from those which have forced themselves upon the Author, and which he most unwillingly adopted.

CHAPTER CXXXI.

CORRESPONDENCE WITH CAVE JOHNSON AND GEN. DIX.

Cave Johnson was long a member of Congress from Tennessee, and Postmaster-General during Mr. Polk's administration. He had been a faithful supporter of Jackson and Van Buren, and enjoyed the esteem and confidence of Gov. WRIGHT, whom he greatly admired. Their correspondence was frank and unreserved upon all, and especially political, subjects. It is regretted that Mr. Johnson's letters have not survived. Those of the Governor found a safe resting place among Mr. Johnson's papers, now in the hands of his son, Polk G. Johnson. The Governor became satisfied that a class of democrats in New York, distinguished as conservatives, were acting in a manner hostile to the best interests of the democracy of the State, and injurious to the interests of Mr. Polk's administration, and he therefore wrote to both the President and Mr. Johnson, fully and frankly pointing out what he considered improper and wrong. We include, among these letters, two addressed to Gen. Dix, relating to the same subject. The names used by him are those of persons long since deceased, and their acts referred to were wholly of a political character, and in no sense affecting their personal standing as members of society.

The letters are replete with wise suggestions in relation to public affairs, such as are seldom found in private correspondence. Gov. WRIGHT'S thoughts and wishes were free from all bitterness or personal unkindness or hostility. In matters of principle and sound policy his views are straight, and without a shadow of turning, and

uniformly adhered to with reference to himself as well as others. The following letters contain the most clear and graphic view of the political matters to which they relate anywhere to be found, and are so reliable and just in all respects that no one will question them or doubt the propriety of presenting them to the public as a portion of the history of the times:

Gov. Wright to Cave Johnson.

"Albany, 12*th October*, 1846.

"My Dear Sir. — I was absent when your letter of August came here, and I did not see it until you had been for some two weeks from Washington. I could not think of troubling you with an answer while visiting your friends in Tennessee, and therefore concluded not to reply to it till your return. Before that came about, I took another short journey, during which time you did return; but the accumulation of business in my absence, and the pressure of our Court of Errors and State convention here, left me no time to write to you until to-day.

"That, perhaps, all things considered, has been fortunate, as time and events have made it easier to give you an answer than it would have been in August.

"Of the matter of which you particularly wrote,* it is now necessary to say nothing, except that so unimportant a matter could not have been more unfortunate in all its stages, and more unfortunately disposed of for the President and his administration, so far as the feeling of the democracy of this State is concerned; and the members of our delegation to whom you referred may have mistakenly permitted themselves to indulge passion in expressing themselves about it, but they could not have represented to you stronger than the truth the disappointed feeling — to use no stronger term — growing out of that decision. The intrinsic importance of the thing had nothing to do with the question. It was the disposition and inclination manifested by the acts. I say acts, because, when every obligation the President could have rested under to one Smith was discharged, the

*Buffalo Postmaster.

office was not permitted to remain in the hands in which he had himself placed it, but another Smith equally objectionable was placed in it, under circumstances at least so questionable as to make a vacancy and to fill it. Looked upon without explanation, these acts seemed to leave no room for doubt as to the disposition of the President toward those who sustained the administration of the State. This conclusion, too, was strengthened by the fact that this was a second issue which had been made before the President, to give him an opportunity to manifest his inclinations, after the formation of his cabinet, and the first met the same decision as this. I refer to the collector of New York. In that case, the man selected was, personally, wholly unobjectionable. He is a worthy man, but his political associations and inclinations were with the conservative faction in this State; and he was selected without recommendations, within our knowledge, in preference to a man selected by the body of the democracy of the city and recommended by the strength of the democracy of the State. As it was denied that this selection was intended to indicate the inclinations it seemed to manifest, the other issue was made to test the point. That was the feeling which surrounded the question on all sides, and not any importance in the office itself. That was the feeling which urged the President to appoint Smith, upon the one side, and the feeling which resisted that appointment, on the other. It should not have surprised you or the President, therefore, when his double action met the construction it did; and, bearing that construction, that it excited the feeling it did.

"To add to the strength of that feeling was the fact that almost all the appointees of the administration, from its commencement, had been persons pursuing the same political course as the Smiths at Buffalo. I do not now recollect a single prominent exception, other than that of Mr. Hoffman; and he will tell you, had he not resisted the head of the Treasury department immovably, the influences of his office would now have been what those of the collector's office to a great extent are. Against Mr. Lawrence, or the surveyor, Mr. Purdy, we have no complaints to make. They are, so far as we know, good officers, and their political action is as it should be; but a large number of the fac-

tious spirits placed in the service of the government by the predecessors of Mr. Lawrence are retained there, and constitute the nucleus of the principal portion of the political disturbances in the city.

"We do not desire or wish that these offices should be made centers of political influence; and ever since the time of Swartout, when this system was introduced and when it was first attempted to control the politics of the city through the strength of the custom-house, we have endeavored to break up that thraldom of the city democracy, so that the people of the city may be left to the management of their own local politics, and to the formation of their own local tickets, without the disturbing influence of the paid agents of the federal government. That system has been continued ever since Swartout's time, and constantly increasing in extent, until the appointment of Mr. Lawrence. Since that time it has been better, but yet the evil exists to a considerable extent; not, as we verily believe, through the desire, but against the wish, of Mr. Lawrence and Mr. Purdy, and through an influence superior to them, and which they dare not resist, as Mr. Hoffman dare do in the Naval office. All the democracy of the city or the State wish is that these offices may be placed in the hands of honest and faithful democrats, who will support the democratic tickets when they are formed, but who will leave to the unpaid democracy the undisturbed privilege of making their own tickets. We recommended Mr. Coddington for the office, because we knew he had the firmness to enforce this regimen upon the employes of the custom-house, and to resist any influence, come from where it might, which should interfere with the discharge of this part of his duty.

"The post-office of the city, in the hands of Mr. Morris, is converted to the same mischievous uses, and was mainly instrumental in sending him to the State convention, where he has constantly manifested a more active and open hostility to the administration of the State government than any other member of that body. After the appointment of the delegates to our late Syracuse convention, all the papers of the city announced that every delegate was in favor of the renomination of the present Governor and Lieutenant-Governor, and the whole democracy of the city sup-

posed the fact to be so; and yet two of the sixteen were found to be violently opposed to me, and one of them is a principal clerk in the city post-office. This case of Morris has gone very far to confirm the impression among our democracy that an influence at Washington governed the action of the favorite appointee in this State, because, up to the time of his appointment, Morris had ever professed to be an extreme radical in politics, and to be much more opposed to our conservatives than even I was, and yet, instantly upon being invested with that office, he became one of their leading champions.

"The postmaster here and at Utica are among the most active and bitter opponents of the State administration, and have been so from its commencement; and the latter has, during the past summer, made the tour of the western counties to try to defeat my nomination. They are both Tyler appointees, whom it is the policy of the administration, as we are assured, to retain in office.

"Something of a contest was had in relation to the appointment of the district attorney of the northern district of this State, and the prominent and notorious conservative was preferred; and he has been the leading man in opposition to the State administration in his county.*

"The collector at Rochester was ever a true democrat up to the time of his appointment, and this year he has taken the stump against the nomination of Lieut.-Gov. Gardiner and myself. The postmaster at that place takes the same political course, but I think has made no change to bring himself to it.

"The collector of Buffalo, when on his way to Washington in the winter of 1845, held repeated conversations with me, and was, as he professed to be, firmly radical and actively opposed to our conservative faction. He urged me very strenuously to give him letters, but I declined, as I did in all cases. I had given him a letter of introduction to the President, declaring that it was not to be considered as a recommendation for office, though I have no recollection of having done even that. He had scarcely more than sworn into office when he became a very active disorganizer. Of the post-office at that place I need say no more.

* George W. Clinton was appointed in preference to Charles G. Myers, of St. Lawrence, strongly recommended by Gov. Wright and the Author.

"All these facts have been before our democracy, and had been for a full year and more, when the Buffalo post-office case was finally disposed of. They had produced the strong impression that these men must act from a knowledge that their course was desired and approved by those at whose pleasure they held their offices, and the disposition of that case confirmed that impression. Hence the feeling manifested by the members of our delegation in Congress and throughout the State; and had not Gen. Dix, in the Senate, taken the course he did, he would have drawn upon himself the censure of his whole party.

"I had never attempted to decide for myself how far the President's personal feelings had taken this direction, though it was painful to me to be compelled to see that, whatever his personal feelings might be, he was induced to yield his official action to influences of this character and taking this direction, which gave us all the injury of an intention on his part to produce the result.

"Your letter was very grateful to me, because it assured me that this intention, on the part of the President, did not exist. Very soon after it reached my hands I saw Mr. Gillet, with whom I had a full and frank interview, and who expressed, with equal confidence, the same assurances. In a few days Mr. Buchanan made us a flying visit, and he confirmed what you and Mr. Gillet had stated in relation to the personal feelings of the President, and quite lately I had a more full and frank interview with Mr. Bancroft.

"I have told all these gentlemen what was the impression among the democracy, and how it was derived, as I have now told you; and I added to them that, in addition to the character of the selections for office and the course of the appointees named, and many others, it had been a systematic effort of our conservatives to cause it to be believed that they had the whole influence at Washington, and that to reach the patronage of the administration in any direction, as to retain its confidence in any place, it must be approached through them, and that their views and wishes as to the affairs of the State must be served. It has been their custom to represent our democracy as opposed to the national administration, and themselves the exclusive friends of it; and this idea, I doubt not, has been more industriously dis-

seminated at Washington than here. It is not strange, therefore, that the office-holders of the federal government should think, and I do not doubt that many of them do really believe, that in the course they take they are strengthening themselves at Washington and carrying out the wishes of those to whom they feel indebted for their places.

"Since the receipt of your letter, and my conversations with the gentlemen named, I have, as extensively as I have had the opportunity, corrected the impressions of our prominent men in relation to the views and feelings of the President, and at least some members of the administration.

"From what I have learned from these gentlemen, and especially from a remark from Mr. Gillet, I have been induced to suppose that that was true, which I had before suspected, viz., that the President has been induced to look upon the democratic party in this State as separated into two somewhat equal divisions, each substantially pursuing the same principles, but differing about men, and that he has supposed it to be proper for him to treat us as a party thus divided. Under the apprehension that he was laboring under that delusion, in replying to a letter from himself, some time during the last year, I gave him what I believed to be a frank statement of the foundations of our difficulties, and of the feelings and determinations of the great mass of our democracy and of our people in regard to them. I did this more readily, because I was aware that the division in the Legislature of 1845 might justify that impression as to our condition. I had certainly hoped that our election of last fall — when of about seventy members elected to the popular branch of our Legislature, called democrats, not more than twelve were conservatives; when those men, or a portion of them, upon almost every important measure of the session acted with the whigs; and that our election for the convention, when of some seventy-three of the members elected to that body, called democrats, not more than ten were conservatives — would have undeceived all upon that point, if my statement did not do it, and that you would not any longer doubt where the democracy of the State was. I have not permitted myself to become offended, though I have felt sorrow that I should be looked upon as heading a faction among the democracy I have

known so long and served so long; and I believe, until this occasion, without the suspicion of being prone to divide or distract it. I have felt more deeply mortified that this should seem to be the judgment of the President and yourself, when I could not forget that I had seen you for years struggling with a truly divided party in Tennessee; a division which threw the democracy of the State into a minority and yet keeps it there, or rather did do so until after 1844; and yet neither myself, nor any democrat in this State, permitted a doubt, for a moment, as to which was the democratic party in Tennessee, or who were its true friends and supporters. Yet I have made no complaint, do make none, and shall make none, but have and do and shall faithfully support the administration of the President in all its measures which are democratic.

"We are not a divided party, and should not be so considered or treated. We have a faction among us, a portion of the old conservative party of 1837–38, which did not go over to the whigs then, but which has been giving us trouble ever since; numerically a corporal's guard, but, in position and wealth, powerful. Our Argus is the organ of the faction; and Samuel Beardsley, well known to you during both of his periods of service in Congress, and well known to the President during the first, and especially at the time of the contest between himself and John Bell for the Speaker's chair, is the master-spirit of it. Neither of you can think very well of this man as a democrat upon that former occasion, and I think his purposes were worse and his conduct quite as bad during the session of 1843–44. The infatuation of these selfish men has forced upon us our late State convention; and, thank God, its labors have constitutionally settled our ten years' controversy with them as to plundering the public purse and public credit of the State, and as to the future impunity to the fraudulent managers of insolvent banks. The Constitution recommended by the convention will be adopted by our people without any organized opposition, and the provisions upon these subjects will produce their result. Our principles upon those points became so strong with the whole people of the State, that even the whigs have made a virtue of necessity and support them, with few exceptions.

"I feel very confident we shall carry the State handsomely, in November, although we have a great many factions and parties to oppose us and must have a very severe contest; but I have this consolation, that if I am beaten the democratic party of the State will be beaten with me and go down under me, and with such a foundation to rest upon I can bear defeat without a murmur. The spirit of our democracy is up and prepared for the contest, conscious that the result of the election will be the adoption of a Constitution securing its principles upon the points of most danger and importance, even if the combination of factions shall defeat its candidates,—though that result is not now apprehended.

"The fact most to be regretted is, that the continued course of opposition of the office-holders I have named does yet, and, if persevered in, will cause the impression to remain, that our democracy has against it in the contest not merely the whigs, the abolitionists, the native Americans, the anti-renters and the conservatives, but also the national administration; and you cannot fail to see, if such an impression does continue until the election and we do carry the State under it, the feeling resulting will be anything rather than that which must be desirable to the President. Still, I cannot tell you how such a result is to be avoided, if these men are unwise enough to persevere in their disorganizing course. Nor can I tell you how their course is to be changed. We have at no time desired to commence a war upon them officially, and thus drag the administration into our difficulties. We care not who hold the offices, if the influence of them is not exerted against our democracy. Their positive influence in our favor we have not been anxious for, even if they could exert such an influence, because we think it more salutary that these offices, as such, should exert no influence in the State elections; and that the friendship and good faith of the individual, if he be right, is worth more than the influence of the officer and is a more legitimate aid. At this time we should deprecate the removal from office of any of these men, and certainly so if understood to be done at our instance and for our benefit. I say this particularly to you, because a rumor reached me yesterday that you had it in contemplation to remove Morris

from the New York post-office. If there are official causes for his removal, of which I know nothing and have heard nothing, I certainly do not desire to interfere with your action upon them; but as a political step I would distinctly advise against his removal before election, because I think it would be imputed to us and would enable him to do more mischief than he can now do with the office, known and understood as he has come to be. The same rule, and for the same reasons, I would apply to all the others of whom I have spoken, and to all those who are pursuing the same course but of whom I have not spoken, and they are many. We have at least two of them here whom I have not referred to.

"You speak in your letter of the President's offer of the English mission to Gen. Dix. That you may realize the feeling which had come to prevail here, I need only tell you that, so far from being looked upon as a friendly step, it was viewed as an effort to remove him from the Senate, as unacceptable there, and to involve us in a controversy to fill his place. It would have ruined him to have accepted the offer, under the feeling which then existed in our democratic mind, though, to a considerable extent, a different appreciation of the act now prevails. Yet, under any circumstances, the democracy of the State would not have consented to his leaving the Senate. His course there has met their strongest approbation, and the character and standing he has gained there they consider matters of value as well as pride to them. They have watched him closely, and have found him giving a fair and manly support to the administration in all its great measures, and they believe a very efficient support, while they have seen him exercise the moral courage and firmness to oppose it when wrong, as in the case of the Buffalo post-office.

"I must not tax you further, and I have not had time to say all I desired and make my letter shorter. I will conclude by the perfect assurance that this too long letter has been written in a spirit of candor, and only with the desire to present fully to you the state of things and the state of feeling with the democracy of this State, and to point out the causes for both. I have not intended to say a word in a recriminating spirit, because I have not permitted myself to entertain such a spirit in reference to

these transactions. If there has been misconception, I desire to do it away. If there has not, I do not desire to complain. I write for your own eye alone; and if a word which is written inflicts a wound upon your feelings, tell me what it is and I will explain it, as not a word is intended to produce such an effect.

"Let me refer very briefly to one other topic and I will close. You assure me in your letter that the President will not be a candidate for a re-election, as though that was a point of deep interest to me. In my conversations with Messrs. Gillet, Buchanan and Bancroft, they all seemed determined to dwell upon the same point, under a like impression.*

"Let me assure you that I have not, at any time, and do not now, entertain any feeling upon that subject. If the President shall administer the government, as I think, well, I have not the slightest objection to his being again a candidate. I am well aware that some of my friends have used my name in connection with that office, but it has been against my earnest wishes, and I sincerely hope I may never be seriously a candidate for the place. I know too much of its cares, perplexities, trials and responsibilities to desire its honors at such a price; and nothing but circumstances as controlling as those which have placed me in my present situation, will make me a candidate for that office.

"I promised Mr. Bancroft to write to the President, and shall fulfill that promise as soon as I can command the leisure.

"I am very respectfully and truly yours,

"SILAS WRIGHT.

"Hon. Cave Johnson, etc."

*This was because the impression widely prevailed that the course of Mr. Polk's administration had been dictated by a desire on his part to draw down upon Gov. Wright a cloud which would obscure his prospects for the presidency, and promote those of the President, through the action of the federal office-holders of his appointment, for re-election. Showing that he was not, and would not be a candidate, was calculated to do away with the impression that he acted from personal motives. We know that no member of his cabinet could claim that his administration was devoted to his support for the succession, and least of all those who participated in arraying the disorganizers in New York against the faithful democracy of the State.

Gov. Wright to Cave Johnson.

"Albany, 30*th October*, 1846.

"My Dear Sir. — Your reply to my very long letter, under date of the eighteenth instant, came here when I was absent for a few days, and was found upon my return. It has been read with care and deep interest, and, with very few exceptions, with great satisfaction. These exceptions have no personal relation to myself, but refer to grave charges you bring against members of the delegation from this State, which are wholly new to me, and surprise and grieve me. Some of the men I have known for a long time, and have known intimately, both as private gentlemen and public servants, and they have been distinguished for directness, fairness and boldness, and integrity in all their acts, public and private. That they should have adopted the cowardly as well as dishonest course you say they have, by acting in one way when no record of their acts could be preserved for the public eye, and in another way when called to vote upon ayes and noes, astonishes me. Still, I am so convinced that you would not speak without perfect warrant upon such a subject, and in reference to such men, that I have nothing to say but to express my surprise and deep regret.

"It was not my purpose, in replying to your letter, to discuss the points of right and wrong, in reference to the misunderstandings they truly were, which I now verily believe, so far as yourself and the President are concerned, between the administration at Washington and our political friends in this State. I only wished to make such statements of facts as would produce a correct understanding that there was misapprehension, but to cast censure nowhere, and not to speak of motives and intentions any farther than it was necessary to do so to reach my object, that of producing a correct understanding upon the points of complaint. I did not wish to allude to the past any farther than seemed to be necessary to place the present and the future upon a basis clearly understood upon both sides; and, hence, I purposely omitted to notice everything which it did not seem to me essential to mention to accomplish my object.

"Still, I am not surprised that my letter seemed to you unkind, and has drawn from you the able and eloquent defense of the

President and yourself, which I read in your letter with so much pleasure. That defense shows me, perhaps more clearly than anything else could have done, the extent to which you have been misled and induced to act from mistaken impressions as to your selections of men here. I named, as the only prominent exception within my recollection to the character of the appointments I was describing to you, Hoffman. It afterward occurred to me that Mr. Butler should have been named as an equally prominent exception; and it was forgotten, because the office was one of little comparative patronage, and I had not been annoyed by applications on the one side, or complaints on the other, about it. You very properly reprove me for this forgetfulness; but my friend Gillet was not a case within the reach of my remarks, nor was that of Turrill, and certainly not that of M. Van Buren, as I was speaking of those appointments within the State where active political influence at home is one of the necessary properties of the office. Of Gillet's case I will say nothing, because I presume he is content; but nothing in all this history of untoward incidents more deeply staggered my confidence than the circumstances connected with the disposition of him.*

*The reference is to the Author, who served in Congress with President Polk, during the four last years of Gen. Jackson's administration. He supported Mr. Polk for Speaker, and defended him when assailed by John Bell, which speech Gen. Jackson caused to be printed in pamphlet and distributed throughout Tennessee. Although then quite young, such were their relations that he was called in and was the sole adviser of Speaker Polk when framing the committees of the House. When the latter became President, he invited him to Washington, to accept the office of "Solicitor of the Treasury, or one of equal dignity and compensation." The only other office within this description was that of First Comptroller. On arriving at Washington, he found that Attorney-General John Y. Mason had induced the President to appoint Seth Barton, of Louisiana, to the office of Solicitor, under the assumption that he could essentially aid him in the land cases from Louisiana, Arkansas and Florida, in the Supreme Court. The First Comptroller, James McCullough, a worthy man, was flexible and pliable in his opinions and actions, readily complying with the wishes of the Secretary of the Treasury, Robert J. Walker, in the discharge of his duties, whom the latter was unwilling should yield to Mr. Gillet, who was distinguished for the independence of his opinions and unyielding firmness in maintaining and defending them. Under these circumstances, the President had reserved

"Of the postmasters at Hudson and Auburn I knew nothing, but am well aware that you have made a great many good appointments in your department at the secondary points. I think I said we thought Morris right politically, but we dare not recommend him for a pecuniary office for the same reason we dare not Sam. Swartout, in Gen. Jackson's time. That, as in Swartout's case, is probably our offense in his mind; but we can-

and tendered to Mr. Gillet the office of Register of the Treasury, an office, from its hum-drum character, which was exceedingly distasteful to him. It presented no field for the exercise of his professional talents or use of his legal acquirements. His resolution to return to his law office at Ogdensburgh was relinquished, at the earnest solicitation of Francis P. Blair and John C. Rives, who were sanguine that Mr. Wright would be the democratic candidate for President at the next presidential election, and that there would be a strong necessity of having a New York friend of his at the Capitol to defend and aid in the election, and especially through the columns of the Globe. This appeal in favor of his friend and his interest produced the effect of changing his first determination, but not until after Mr. Polk had satisfied him that he had been led into the error of supposing that the Register's office was, in point of dignity and compensation, the same as that of Solicitor of the Treasury. At the end of some two years, but long after Mr. Wright wrote this letter, Mr. Barton's unfitness for the Solicitorship became so apparent, that he was transferred to a position of a diplomatic character, and Mr. Gillet, by common consent, was appointed Solicitor, and continued to serve until some months after Gen. Taylor became President, when he was removed at the instance of William H. Seward and Thurlow Weed, against the wishes of Secretary Meredith and Attorney-General Johnson, with whom his official duties were most intimately connected. Mr. Gillet has ever been satisfied that Mr. Polk was cheated by a portion of his cabinet into doing him injustice. He was over confiding in some of those composing it, but least worthy of his confidence. Through the advice of these, and pressure from Daniel S. Dickinson, the United States Senator, and other New York conservatives, he was induced to waive his intention of making Mr. Gillet Attorney-General on the retirement of Mr. Clifford when he accepted diplomatic employment in Mexico, in March, 1848. The sin they imputed to him was his relations to Mr. Wright during his life, that he was a radical democrat, and that his appointment would be unacceptable and injurious to the conservatives in New York. It was assumed that he had political ambition, and that such a mark of respect from President Polk might enable him to secure ascendency injurious to the conservative leaders. How much of this argument, addressed to others, was used in approaching the President, cannot be now known.

not consent that you shall set him down to our credit in this account. You name also Purdy and Moore. They are very good fellows, and I believe both my personal and political friends. The former I think has been so always, and certainly is ardently so now. The latter, as I think you know, is rather erratic, but I think has been latterly very straight. I regret to be compelled to say of him what I have said of Morris, that the democracy of the State did not dare recommend him for a pecuniary office. I sincerely hope that the administration will not have bad fortune with either; but, if it does, you must remember that it is not to be charged to me or my friends. Purdy, I believe, is making a good officer, and although I did not know that he was a candidate for surveyor until I saw his appointment, I considered it a good selection. Gen. Gould, of Rochester, the marshal, I have seen often charged to our account before, and he is a very clever fellow and the appointment is a very good one, but he is as distinctly classed with our conservatives (or rather had been up to the time of his appointment) as any man in the State. His conduct since has, I think, been unexceptionable. This closes your list. In this connection I must refer to one of your remarks about the collector of New York. We did not recommend a man without *knowing* him to be *well qualified*, because we expected to bear the responsibility of the appointment and were willing to do so. As you do not give the name of my friend — my best friend, as you say — who informed the President that Mr. Coddington was not qualified, I have but one remark to make. That man, friend of mine or not, either does not know Mr. Coddington and Mr. Lawrence as he should to speak about them, as it seems he has done, or he intended to mislead the President by an expression of opinions he knew to be erroneous. Mr. L. is a very clever man and a very fair business man, and his integrity and trustworthiness equal those of Mr. C. In every other qualification for the office the latter is superior to the former, as a man of decision, energy and firmness, and the other is always a very timid one of marked indecision. Go into the custom-house to-day, and you will be told that Mr. Bogardus, a deputy of some sort there, and not Mr. Lawrence, is the collector in fact. This Mr. Bogardus is the legacy of Mr. Van Ness in the

department, and, if he is not much belied, is a very apt scholar of a very able master in political mischief.* He is but one of many in the department very constantly employed; and we are at this moment advised by letters that an inspector by the name of Hasbrouck, a marked conservative, not long since appointed from Ulster county, is now traveling that congressional district to oppose the democratic tickets.

"The letters are said to be from Jeremiah Russell, the candidate for Congress, and others. I would not mention these things, but to show you that constant causes of irritation and complaint grow out of that department; and it is but candid to add, that no other fault is found with Mr. Lawrence than a want of firmness to control the department of which he is the head.

"I will not, however, follow this matter further, and am almost ashamed of having consumed my time and taxed yours in mentioning these comparatively trivial affairs. Your letter shows me that your dispositions are good, and that satisfies all the object I had in opening the unpleasant correspondence, beyond that avowed at the beginning of this letter, to let you know the true state of things offensive with us.

I should not have put upon paper what is here written, but for your private eye and ear, and I try to understand that I do not wish and would not have you take any action in any direction predicated upon the facts I have stated to you. It would not become me to make these complaints for the purpose of inducing any action on the part of the President or the members of his administration, or I would not and do not make them for any such object. I am not to be considered as a complainant against anybody.

"Your letter of the twenty-fifth, with inclosure, came to me on the twenty-eighth, for which I thank you. Both manifest dis-

* This Mr. Bogardus, together with a Mr. Bridges, a very intelligent and worthy man from Boston, were convened at the Treasury department at Washington, and were the advisers of the Secretary of the Treasury in relation to the tariff of 1846, and were the real authors of its details, although Mr. Walker was generally understood to be the author of that bill. Bridges, subsequently, was appointed an appraiser in the custom-house for the Pacific and stood well, while Bogardus was soon entirely forgotten.

positions which are everything I could ask or wish. The same mail brought me a very frank and friendly letter from the President, for which I shall thank him as soon as I can command the leisure. Also, a letter from Mr. Walker, breathing an entirely friendly spirit.

"I found here, upon my return, a letter from Mr. Buchanan, which is not yet acknowledged, but I intend soon shall be, as it deserves not merely a prompt but grateful acknowledgment.

"We are upon the eve of our election. It is impossible to predict with any certainty the result. We have never had so many incongruous materials, nor so much loose and unsettled feeling. Hence, the impossibility of calculation upon the result. I yet feel quite confident that we shall carry the State; and of that I should be more sure, if I were not aware that we are liable to disappointments by opposition at the ballot boxes, which will not be apparent in the canvass. From all I can learn, I do not think our opponents feel anything like the confidence our friends do, or which they did in 1844. Still, the disastrous results in other States have given them a courage they had not before, and will, of course, make the contest more severe. Time will soon decide it, and I hope in favor of the democracy. I believe so.

"I shall try not to trouble you with any more of these endless letters, but shall at all times be glad to hear from you; and if it shall be in my power, in office or out, to give you aid in the administration of your troublesome department, it will afford me pleasure to answer your requests of that character. I do not reply to other portions of your letter because my time does not permit, and I do not wish to continue a discussion of by-gones when there is no question of intention.

"I am very respectfully and truly yours,

"SILAS WRIGHT.

"Hon. Cave Johnson, etc."

Mr. Wright to John A. Dix.

"Albany, 17*th July*, 1846.

"My Dear Sir. — I again trouble you on the subject of postmaster at Buffalo. I have already so frequently and so unsuccessfully urged myself into this question, and urged you to use your

exertions to give it a safe and proper direction, that I scarcely feel at liberty to address any member of the administration.

"I inclose you the letter which induces me to write to you at this time, and I believe you know the writer as well as I do. This letter contains the first suggestion which has reached me of the selection of G. W. Clinton, and I must hope that he will not be appointed in any event. I am assured that he openly took the field in opposition to Gen. Barker at our conventional election in April, and that but for him, and those who acted with him, the General would have been elected, even in that bad county. The fact that he ran far ahead of the other candidates upon our ticket, shows his standing in the county and with the body of the democracy there.

"It has occurred to me that the appointment of Mr. Clinton by me as attorney for the Seneca Indians, apparently at the close of the last session of our Legislature, may be used to produce a false impression at Washington. I will, therefore, give you a brief explanation of that matter. During the session of 1845 that office was created, requiring the appointment of a counselor of the Supreme Court of three years' standing. Two persons were recommended to me, viz., Mr. Clinton and a Mr. Leland, of Chautauqua. I nominated Leland and the Senate confirmed the nomination. It turned out that Leland was not a counselor of the Supreme Court at all, but that fact was not learned until after the adjournment of the Senate. I could, therefore, do nothing in the matter till the Senate met again. Then I communicated the facts to that body and asked its advice and opinion whether the office was vacant, or whether Leland was to be considered in office? The subject was made one of consultation, but not of action for a long time. Then a memorial from a portion of the Indians was sent forward, complaining of Leland, and urging the appointment of Clinton. Some of the Senators called upon me and said, in order to enable them to act, they thought the proper way would be for me to make a conditional nomination. I immediately transmitted an executive message, nominating Clinton, provided the Senate should be of the opinion that the appointment of Leland was legally void and the office in fact vacant. This was done on the seventeenth of March, long

before nominations for the convention began to be made; and my only thought in nominating Clinton was that his was the only name before me, and that he seemed to be the choice of the Indians. Here the matter was suffered by the Senate to rest until I supposed that nothing was to be done and that Leland was to remain. In the meantime the nominations were made, and the elections took place, and Mr. Clinton, as is said, conducted as I have stated. I had heard of this, but had really forgotten that I had proposed to give him an appointment. Some two days before the adjournment of the Senate, as I learned afterward, that body confirmed my nomination of Mr. Clinton.

"The announcement of the appointment created almost a political insurrection in Erie county, and nothing but this frank and full explanation ever partially excused me with our democracy there, while I have no hope that I stand wholly excused now. It would, therefore, be most unjust that this transaction should be made the foundation for giving that man an appointment at Washington. If you find that it becomes necessary, I wish you would cause this explanation of this transaction to be made known to the Postmaster-General and President, so that I may not be made responsible for the selection of Mr. Clinton for the Buffalo post-office.

"There is no room for a possible doubt that the appointment of Mr. Dorsheimer is the proper course for the President, as it respects himself, his administration and the healthful condition of the democracy of that county and our State; but if you show Mr. Maynard's letter, I wish you would say distinctly to all who may see it, that I decline to put the matter upon any ground personal to myself, and beg my friends not to put it upon that ground. If the President or the Postmaster-General find it to be for the interest of the democracy of the Union or the promotion of sound democratic principles to select for the federal offices in this State men who are unfriendly to me personally, they should not suffer my personal interests or feelings to interfere with the discharge on their part of a high public duty; and I would rather that they should make a mistake upon this point, if the consequences are only to affect me, than to feel that there is an effort to bend their sense of what is right to my private wishes.

"Pardon me for occupying so much of your time upon this truly worn subject, and believe me.

"Most truly yours,

"SILAS WRIGHT.

"Hon. John A. Dix, etc."

Mr. Wright to John A. Dix.

"Albany, *29th April*, 1846.

"My Dear Sir. — I inclose you a letter received yesterday from our friend Gen. Barker, of Buffalo. The subject of it you will be better acquainted with than I am; but our true friends in that county have come to entertain a very deep feeling about this matter, and any other action by the President than that he has authorized them to expect will, in my opinion, be unfortunate to him and his administration. Our conventional election took place yesterday, but we have no returns to furnish any means of judging of the result in the State. To my mind, the probabilities are that no party will hold a clear majority, though it is possible that the whigs may. The hunkers, as they are called (conservatives proper), will have a very few delegates; the anti-renters a few, and the abolitionists may have a few. The election has been a more strange one than I have ever seen, and appears to indicate a very extensive breaking up of parties. What is to be very much regretted, the indications are that the vote has been a very light one. Still, however this election may result, the occasion will have the effect to separate the honest democracy from all cliques, to unite it, and, if thrown into a temporary minority, very speedily to restore it to power again upon firm principles and a safe footing. It is very desirable that the President should not do any act which will separate him from this portion of our democracy, for you know as well as I do that no other portion of the politicians of this State can or will, either cordially or efficiently, sustain his or any other democratic administration. I have resisted the belief as long as I could do so, but I have not any longer a doubt that another portion of our party, headed by The Argus, are to go entirely off and unite with the whigs in the position they may take at and after this convention. The numerical strength of the accession will not be great, but the individ-

uals, as in 1837, from their former positions, will be influential. I am unwilling to believe that Gov. Marcy, if here, would go with this cession; but where he is, every day proves to us that he is with them in heart and feeling, and that all his acts and all his influence are used to give them strength and confidence. Hence the importance given to small appointments, like the Buffalo postmaster. It is not the office, but the question where the President stands, and who can look to him for countenance. The influence of these men at home consists now, to a very great extent, in their paramount influence at Washington. The Treasury department is known to side strongly with them, but it is not believed that the Postmaster-General does, nor that the President does, except when appointments pertaining to the Treasury or War departments compel him to yield to the wishes and recommendations of the heads of those departments. Even in this, the time has come when he incurs great risk, and he should modify these influences as far as he can with personal peace, lest they separate him in effect and in the minds of our true democracy from those only upon whom he can depend in this State. In any event, he should not permit these men to overrule Mr. Johnson in his department, when he is manifestly endeavoring to encourage the right influences.

"It is unnecessary for me, however, to spend time to preach to you upon this subject, who understand it as well as I do, and my only object was to give you a word of speculation about our recent election. I do not think it impossible that we may have a majority of sound radical democrats in the convention; but the chances are against it, in consequence of the variety of factions, and the distinct effort of the conservatives to throw the convention into whig hands.

"I have no time to write letters, and have been from eight o'clock to twelve writing this scrawl, having been broken off at least every five minutes. I must therefore let you have it as it is, without attempting to add more. Your letter, acknowledging mine to Mrs. Dix, was received.

"I am truly yours,

"SILAS WRIGHT.

"Hon. John A. Dix."

Mr. Wright to Cave Johnson.

"Albany, 15*th July*, 1845.

"My Dear Sir. — After some hesitation, I inclose you a letter received but a few days since from Mrs. Linn. It will say all I could say, and in a much stronger and more forcible manner, upon the subject of her condition and wants, and those of her children. I need not tell you, I am sure, of the extent or strength of my friendship for her lamented husband. It is impossible for me to feel more kindness and affection for any man than I did for many years toward Dr. Linn. He was to me a faithful friend, and to his country a patriotic and devoted servant. I would do anything which is right for his afflicted wife and children; but I cannot say that it is right to appoint a woman to an office of so much labor and care and responsibility and control over subordinates as must be that of the office of postmaster at a great city like St. Louis. Still, I by no means urge you against doing so, if you see no objection to the step. The decision of that point I leave with you and the President. I know nothing of the public feeling of the citizens interested, and that may authorize the appointment. All I mean to say is that, if the step should be taken to benefit the family of any honest man and faithful public servant, then the family of Dr. Linn take as strong claims from his life and death as the family of any man can thus derive.

"With great respect, I am truly yours,

"SILAS WRIGHT.

"Hon. Cave Johnson, Postmaster-General."

The two following letters manifest a delicacy of feeling on the subject of soliciting appointments from other officials which is in striking contrast with daily occurrences. If the principles upon which he acted could become universal in practice, in the official world, it would be found exceedingly useful and fewer bad appointments would be made.

Gov. Wright to Cave Johnson.

"Albany, 24*th March*, 1845.

"Hon. Cave Johnson, Postmaster-General:

"Dear Sir. — Will you permit me to introduce to you the bearer of this note, H. K. Smith, Esq., of the city of Buffalo in this State? Mr. Smith is a member of the bar, of high standing, and an active and influential member of the republican party of this State. You may remember to have met him in the late Baltimore convention, where he was one of our State delegates.

"He visits your office on some official business; but as I have trouble enough in dispensing the offices of the State, and consider my position as compelling me to abstain from interference in the distribution of the federal offices, I must leave Mr. S. to explain to you his own errands, merely remarking that he does not seek any office for himself from your department, but merely wishes to converse with you in reference to the appointment of others.

"In great haste, I am truly yours,

"SILAS WRIGHT."

Gov. Wright to Henry Simpson.

"Albany, *July* 3*d*, 1845.

"My Dear Sir. — A letter from a friend in Philadelphia, received yesterday, informs me that you are an applicant for the place of treasurer of the mint, a situation I think you have a good right to ask, and which I must believe you can have no trouble in obtaining, in case the incumbent is not a man who should be reappointed. I have forgotten who holds the place now; but I presume it cannot be a man whom President Polk can wish to retain, judging from the influences which prevailed to a very great extent, during Mr. Tyler's term, in the disposition of offices in and about your city. You have your friend Mr. Buchanan in the cabinet, and the appointments for the mint, if I remember rightly, are classed among those pertaining rather to his than the Treasury department.

"If I did not fear I should be considered intrusive and officious, I would write to him or the President, to express my strong sense

of your political claims and of your claims growing out of the services of your honored father, for which I could not consent to remunerate his family directly from the treasury, as you thought they ought to be remunerated. The strong friendship which Mr. Buchanan so frequently expressed for you, when conversing with me about that claim, gives me the cheerful assurance that you will have his influence for this place. Mr. Dallas, too, I am sure, will be disposed to favor your wishes; and I am sure, when you make yourself known to the President, that you will have a decided friend in him also. Still, if you will not consider me vain and obtrusive, and you can tell me of any way in which I can properly serve you in this matter, it will afford me sincere pleasure to manifest the disposition, so that I do not harm you by my movement.

"In much haste, I am very truly yours,

"SILAS WRIGHT."

CHAPTER CXXXII.

LETTERS TO GEN. DIX IN 1846.

The personal and political relations between Gov. WRIGHT and Gen. Dix were such that their communications to each other were free and unreserved, as the following letters, mostly relating to public matters, will show:

MR. WRIGHT TO JOHN A. DIX.

"ALBANY, 21*st March*, 1846.

"MY DEAR SIR. — Our friend Lieut. Brownell and his good lady are with us, having arrived this morning. He tells me an issue has been made upon the question whether or not President Tyler offered to nominate him to the Senate in a manner to restore him to the rank in the navy he would have held, if he had continued in the service and taken the commission of lieutenant tendered to him by Mr. Madison. That fact was so, and I will briefly relate to you the circumstances.

"At his request I went to the President's house with Sailing-master Brownell to introduce him to President Tyler, in the winter of 1842. He dressed in uniform for the occasion, according to the order of the service, as I believe, and, as a matter of just pride, wore the sword presented to him by Congress. After the introduction, I related to the President succinctly the facts of Mr. Brownell's service and the manner of his leaving the service; the then state of his health and his reasons for returning to the service, as they appeared from the papers he presented to me; and then told the President he was prepared to apply to him for a commission as lieutenant, to stand at the foot of the list of commissioned officers.

"The President replied very promptly, that is not right. Mr. Brownell ought to be restored to his rank in the navy, and I am willing and ready so to nominate him to the Senate, or words to that import.

"Mr. Brownell, before I could reply, interposed and said, no, sir, that would not be right. I have been out of service and giving my time and attention to my own affairs, while other officers, whom I should thus be made to supersede, have been in the service and giving their time and attention to its duties. I shall never, by my consent, be put over the heads of such; but in asking to be placed at the foot of the list of lieutenants, so that I shall hold the lowest commission in the service, I do not feel that I shall be doing, or shall ask you to do, injustice to any man.

"The President said many complimentary things of his generosity, and assured him that his request should be complied with.

"These facts I recollect with perfect distinctness; and when the nomination of Lieut. Brownell was before the Senate, I related these facts to the body, as I doubt not many of the members will now recollect.

"I have reason to believe, from information from others, that a similar offer from President Tyler to Mr. Brownell was several times repeated, upon subsequent occasions, but this I cannot state of my own knowledge.

"I am very respectfully and truly yours,

"SILAS WRIGHT.

"Hon. John A. Dix."

Mr. Wright to John A. Dix.

"Albany, 2*d November*, 1844.

"My Dear Sir. — Your favor of Saturday reached me this morning. I have seen with infinite pain the local nominations for your city, both for the Assembly and Congress, and had concluded that probably we should not get a member of Congress from the city, though it was said here that Jackson, whom none of us know, was a good man and would be elected. I think we must have a very large majority in the city, on the State ticket, or the result will be doubtful, and, from what you say, I fear we may not get it. Our city friends have been promising 8,000, and I fear we may need that much. Our news from Rensselaer, this morning, is not so good as it has been for some days past, and no man can make any calculation as to this county. The result must be very bad.

"I have not entertained much doubt about the State, and yet I *feel* that we must carry it, but I could not very well tell how it is to be done. I fear we may lose the Assembly if we lose all your city ticket, though I have constantly expected that a part of it must be lost. I think the evidences this morning are that the defection here is to be carried out more boldly than I expected. See The Argus, and not a word about Congress. Our postmaster is telling round, this morning, that there were 1,000 democrats who will not vote for Wood. My information on Saturday was that Jewell, the late partner of Wasson, in the livery stable, and the gate-tender on the Troy road, also one of Wasson's men, were out boldly for John Young. The manner in which The Argus manages toward our Senators and member of Congress satisfies me that the ticket is to be opposed to the extent of the ability of these men; and we are constantly informed that they are exerting themselves to the utmost to influence the anti-renters to vote for Young. We shall soon know the result, and you must say to the young gentlemen that it will be cruel, because I am beaten for Governor, if that should be so, to take from me my position in the Kootah Society.* I had fondly anticipated that I should have this to fall back upon, and with more time to devote to the labors of the association, and that I should qualify myself to kill *larger birds*.

"I have not thought about the house since I saw you, and certainly have done nothing. I do not know whether Stevens wishes to let his for another term, and, if so, whether in the former bargain there is anything to make it incumbent on me to take it. I had intended to have spoken to him before this time, but as you conclude to furnish, if I wish, I am glad nothing has been done. I do not like *now*, of course, to speak with him, but I will see Mr. Flagg and learn whether, in the former bargain, there was anything about an extension; and as soon as the result of the election is known I will write you definitely about the house, as there will be no time to lose if I am to take yours.

* A boys' association at East Hampton, who had made him an honorary member the previous summer, when he visited Gen. Dix at that place. Kootah is the Shinecock Indian name for turtle.

You will be in Washington, and unless otherwise instructed I will address you there.

"With the kindest remembrances to Mrs. Dix and all the members of your family, believe me,

"Most truly yours,

"SILAS WRIGHT.

"Hon. John A. Dix.

"P. S. — Do you know that the results of the congressional elections in other States, and the prospects in ours, are giving me the blues about our war, with the horrid financial prospect now resting upon the treasury. What disasters may not be looked for if the election in this State is adverse!"

Mr. Wright to John A. Dix.

"Albany, *5th November*, 1846.

"My Dear Sir. — Your note of yesterday is before me. It is very proper that I should say to you that I have concluded not to take your Gothic house for the next year. My wife is a proud woman, and tells me to say she will no longer live upon rented furniture. This Weed is a sagacious fellow, and ever since he suggested repairing the Gothic cottage at Canton for us the woman's mind has seemed to have a strange inclination in that direction, and the publications of the rogue within the last two days, which she has read with unusual attention, appear to have brought her to an unshaken determination; and you know how it is, the man must follow when the woman *will* go. So we are for Canton, and must leave you and Mr. Stevens both to find tenants as you may, and she says you may find some *Young* man who will be glad to take your house.

"Well, we are beaten pretty essentially, and I certainly would not swap chances with Mr. Polk. What the poor man is to do, and how he is to get on with the Mexican war, are matters which really trouble me more than my defeat. In that I am alone most deeply interested, but in the other our country may prove to have an interest which no man can now estimate.

"You must rise above every personal feeling and take the position of the patriot, as I know you will do upon this subject.

So far from experiencing coldness hereafter, my apprehension is that the administration will try to love you to death by putting its weight and its troubles upon your shoulders. You must not let them do that, and yet you must give them fair, full and liberal support in prosecuting the war. If it were possible, I would persuade the President, in his message, publicly to renounce the idea of conquest, and *I* would not say too much about the expenses of the war, but would declare myself ready to make a treaty upon the terms which would have been satisfactory to this country *ante bellum*. At least, this has all the time, and yet does seem to me the wise, expedient and liberal course.

"I fear that you are to be detained by Mr. Morgan's sickness, and not only detained, but that he is to be dangerously sick. If he is able to appreciate it, please give my kindest regards to him, with my earnest wishes for his speedy recovery to his accustomed health. Tell him I go to private life and to the country without a severe personal regret; and if I could feel that my mistakes had not blamefully contributed to this result, I should go happily. As it is, I am conscious of no designed errors, and therefore sleep well. Mrs. Wright joins me in kindest regards to Mrs. Dix and all your children and to Mrs. Morgan. If you remain in New York, let me hear from you, and particularly as to Mr. Morgan's health.

"In great haste, I am truly yours,

"SILAS WRIGHT.

"Hon. John A. Dix."

Mr. Wright to John A. Dix.

[Without date, but received in December, 1846.]

"My Dear Sir. — Your letter of the eighteenth of November has been in my pocket ever since it reached me, in due course of mail, and every day has brought up a resolution to write to you, which has been overborne by the thousand and one calls to get ready for the final delivery over of my office and duties.

"Then, to tell you the truth, I have felt a great embarrassment in writing to you on account of the alarming account you gave me of Mrs. Dix's health. I found if I wrote as I felt that I should depress your spirits, even if you should not show my letter to her; while, if she should see it, that I might alarm her to

her serious injury. Your letter to Maj. Flagg, which he showed me yesterday, has given me a relief upon that point which I cannot express. I sincerely hope that your present encouragement about her health may be fully realized, and I beg you to urge her to every possible care until the winter shall have passed away; and then, I think, with the genial spring of that climate, she will get well.

"Your letter has called me to reflect, and I believe to feel really thoughtful for the abundant measure of blessing extended to me in my own perfect health and almost uninterrupted health of my wife, during my long term of public service. She has had two severe fits of sickness, but both have happened during the recess of Congress, when I could devote my whole time to her. I could not but feel, however, from my experience, that, if you have not more self-command than I have, in case Mrs. Dix should be forced to leave you for a foreign country on account of her health, that you would be but miserably prepared to meet the loss and perplexities and responsibilities of your unpleasant position. I hope that trial is to be spared, for I am sure you will find enough to try you, without unusual domestic cares, between this and March.

"I can well see that nothing yet tells you anything where you stand at Washington, and I have very little expectation that positions will be better defined except as each step compels action as to itself.

"I have not now time to write a letter, and commenced this to send you the inclosed, and to ask you how far you know the writer and whether I shall send him a commission. He speaks of other papers, which I do not find in Moody's * absence. If he is worthy and there is any good reason for appointing him I will do it.

"You do not know how well I feel at the prospect of a discharge from these official cares and responsibilities, and I intend to enjoy the leisure of a private citizen very much. I shall think of you at Washington very often, and sympathize with your cares, but shall not look upon any of you with envy.

* His private secretary.

"Give my kindest remembrances to our friend Col. Benton, and tell him, if it be true that the Mexican war is to be put under his charge, there are many honest democrats in this State who will feel safer about it than they now do. I do not like to say how much I like him or how unlimited my confidence is in him, whether in the Senate or in the field, because he might think I had turned flatterer, and I should hate to have him think so badly of me.

"We are boarding at Mr. Flagg's, and you cannot imagine how happy they make us. Do give our kindest remembrances to Mrs. Dix and such of your children as are with you, and tell Mrs. D. I came very near, while I feared so much for her health, telling you how much I felt for her continuance in life and health; but as I hope she is on the way to a perfect recovery, I do not think it best to let all that out *to you* at present. If not perfectly well it might not be altogether consoling to herself. Say to her, however, that a better specific for health in all cases, and for her disease especially, than all doctors can give, is to preserve laughing spirits; not to see difficulties political or personal, or even the cares and perplexities and labors and responsibilities of her husband, but to laugh at the ambitions and foibles and follies of that ambitious capital.

"If you will return the inclosed, with a word of advice, you will do me a favor, and I will try to write you a letter before I leave for the north. I began this at nine o'clock and it is now half-past one, and I must close it and go to my dinner. It is pleasant to be interrupted twice in every sentence, as that gives time for reflection.

"I am truly yours,

"SILAS WRIGHT.

"Hon. John A. Dix, etc."

CHAPTER CXXXIII.

LETTERS TO JOHN L. RUSSELL IN 1846.

The Hon. John L. Russell was a young lawyer of Canton, of high attainments and great ability. Mr. WRIGHT took a deep interest in him and yielded him his entire confidence. He was a member of Assembly from St. Lawrence in 1845, and, in 1846, became a member of the convention to revise the Constitution. The letter to him of the 10th of March, 1846, shows Mr. WRIGHT to be a most careful observer and a most faithful friend, while it informs us of his self-control and the philosophy he practiced during his public life.

MR. WRIGHT TO JOHN L. RUSSELL.

"ALBANY, 10*th March*, 1846.

"MY DEAR SIR. — I have not, for a moment, forgotten my promise to you, to write a short letter relating to yourself, but have found no time when I had not too many things pressing upon me, or was not absolutely too much occupied to discharge the duty. The receipt, to-day, of your letter of the fifth gives me apprehension that my enigmatical promise and non-fulfillment have rested uneasily upon your mind and feelings, and have induced the suspicion that I was unwilling that you should be a candidate before the convention.* I therefore lay aside everything to discharge the promise I made, and free your mind from any such impressions.

"I supposed it a point conceded, when I wrote to you, that you would be a candidate for the convention, and everything I have heard here has been kept under that expectation. It was with reference to your election to that body that I proposed to write you the promised letter; and as I still think you will be nomin-

* To revise the State Constitution, to which he was afterward elected.

ated, I will write precisely what I should have written, if you had not said upon that subject what is contained in your letter now before me.

"It is this. I have seen with great pain that you have made yourself unhappy about your last winter's services here, and seem to me to suppose that you was more unsuccessful than you really was, and that your standing with your political friends is not so good as it really is. The indulgence of feelings of this kind not only makes a man very unhappy, but leads him to do constant injustice to himself.

"You will pardon me if I should appear vain to you, but you was, in 1844, younger in experience than you are now, and was than I was then, and, hence, you did not estimate some advice which I gave you upon two important points, as they have turned out, though they seemed to be very small ones at the time. The first was my *instructions* (if you will let me call them so) given to you as a delegate to the State convention, urging that you should do nothing to try to produce my nomination, and only let it be made if it must be. You acted from the purest motives which could govern a man. You had convinced yourself that my nomination had become essential to the safety of the State, and that the State was essential to the safety of the Union, and you thought I was too modest and permitted personal delicacies to have too much weight with me. Hence, you went in zealously to produce the result you wished, and, at the same time, tried to do it in a manner to conciliate the particular friends of Gov. Bouck. This I did not learn until long afterward, and after the meeting of the Legislature last winter. I found, before, anxious inquiries about your position in reference to the divisions among our friends, which surprised me, because I could not conjecture the foundation of them, but always answered them by declaring you was more radical than myself, and that I had learned the best of my radicalism from you, and was deeply indebted for it. I often referred to the ground taken in our county against the increase of bank capital, and against small bills, as exclusively yours, and to the fact that my articles, published in our paper in the summer of 1837, which for a time attracted so much notice, were written from your suggestions. These things are so, and I can

never forget them, and I could not imagine why so much uncertainty seemed to be felt as to your sentiments.

"The other point was my urgent advice to you to come on to take your seat in the Legislature, so as certainly to be here three or four days before the meeting. I perceived that you did not appreciate the importance of this as I felt it, and yet I said to you all I could say, which was the struggle as to Speaker, etc., would commence on Thursday or Friday before the meeting, and that you should be there at its commencement. I also expressed the confident opinion to you that the appointment of Foster and Dickinson had put an end to the possibility of a harmonious organization, unless Mr. Seymour should decline to be a candidate for Speaker, which you did not seem to me as fully to realize as I did.

"I came here. The attendance of the members was earlier than I ever knew it before, and the canvass for Speaker began sooner and was more warm than I had ever witnessed. I was immersed in the preparation of my message, but was almost hourly called upon and scolded that the St. Lawrence members were not here. I answered by every assurance of perfect fidelity when they did come, but did not know that the feeling had become so excited as to induce both parties to watch the cars at every arrival for your coming, until I learned it afterward. Upon your arrival on Saturday evening, as I suppose from the account I got of it, you was abruptly, if not rudely, assailed; and nourishing the hope of an amicable arrangement — all hope of which those here knew was wholly at an end — you answered equivocally, which disappointed the one side and gave strength to the hopes of the other. You sought Seymour, to persuade him to withdraw, and he took all pains to have it inferred that you sought him as a friend — kept throwing himself in your way to be seen with you, that he might strengthen the belief that you were his friend, and that he might thus make the credulous believe that I was. This drew suspicion upon you, and brought recriminations upon me, as to your fidelity, which I continued to assert and defend.

"I need not trace the history further, except to say that, getting angry, as I did with two or three persons, for persisting to dis-

trust you, they justified by saying, that on the boat, between Ogdensburgh and Oswego, and at Oswego, on your way to the convention, you had proposed to put Dickinson on the ticket with me, which had caused the distrust before you reached here. In other words, I was thus shown that there were jealous minds, before your arrival here, prepared to misconstrue your acts and words, and upon what the jealousy was predicated. It is enough to add, that the whole session was of that character that the most honest and firm man would scarcely keep himself from suspicion; and I was mortified and angry to learn, after the session had closed, that some of your attempts, made during the session, to bring extremes together, had been construed by some prejudiced persons as strengthening the jealousies so causelessly excited at the commencement. This, I incline to think, you saw and felt at the time, though I was ignorant of it, and am now glad to say that I think those jealous suspicions were entertained by very few for whose opinions you would care deeply.

"I now come to what you may know to be jealousies in my mind, and if they are, I ought to disclose them to you, that you may put an end to them. Ever since I went to Canton the first time, I have been compelled to suppose that some difficulty existed in your mind and feelings, and I have constantly imputed it [to] an impression which you was indulging that you had not been as successful, as a member of the Legislature, as your friends expected you would be. Your declination of a renomination confirmed these impressions in my mind and gave me increased uneasiness. Then your letters to me have excited the fear that you have permitted your feelings to become soured toward the radical portion of the last House. It is somewhat natural that the unreasonable suspicions indulged against you, if apparent to you, should have caused such a return of feeling; and yet, so long as the men remained sound and act with fidelity to principle, a public man must forget such suspicions and show those who entertain them, by his acts, that they are unjust. Some of the firmest friends I have in the world are those who treated me thus and more ungenerously for years, and knowing it, I strove to treat them well and still more strongly to adhere to principle myself. If a public man permits himself to indulge personal feelings of

this character toward those with whom he must act, they will in the end lead him into error to enable him to obtain a position adverse to those against whom they are indulged.

"Now, I assume that you are to come into the convention. If you do, you will come there to act with the radical portion of the democracy, whether in a majority or minority, in success or defeat. You may meet there some of those who have manifested suspicions against you, and you will meet there those who will remind you of those past scenes and try to wake up in your breast new prejudices, or old ones if any slumber there.

"The whole moral of this letter and my whole real object in making the promise to you was and is, to draw your mind to these matters at an early day, and to ask you to see whether there is any foundation for my fears, and if you find any, to begin at once to root out every such feeling before they are provoked into exercise by the collisions of the convention.

"There is no longer a particle of doubt upon my mind that The Argus, and all the followers it can command, intend to throw the convention into the hands of the whigs; and, for myself, I as little doubt that Mr. Croswell expects, whether successful or not, to go there himself as an end of the present controversy. Our true men were unwise last winter not to have acceded to the compromise propositions on the subject of the convention law; but I did not think then, and I am satisfied now, that those terms would not have reconciled the conservatives or saved us from our present rupture. They have deeply and firmly and desperately resolved that they will have irresponsible banks, public debt, internal improvements and stock jobbing, or they will sink the democratic party. A compromise cannot be made, because these reforms the people will have, and no quiet can be experienced until they are secured. Yet the teaching of these men and the false lights of The Argus may lose us the April elections and the convention and those reforms may be defeated there. If that shall be so, I think we shall see another convention called before two years, and then reform may be driven to excess.

"As to myself, I pray you borrow not one thought. I am not a desperate man nor in a desperate mood, and if I shall be placed in a position to be a defeated candidate I have the fullest confi-

dence that I shall have the sound democracy of the State to fall with me, and separate from them I am nothing and can be nothing.

"Do not despair. If the coalition in the Legislature shall be as unwise as I think it may be, we will carry the convention over all coalitions and combinations.

"Will you pardon this very long letter, and believe that nothing in it is designed to offend or wound, if anything has been so awkwardly expressed as to bear such a construction? I have not time to read it over. Will you also, when you have read, *burn it*, as such letters should never be kept?

"The mortgage and bond have come safely, and I presume the bond is all right, though I have not yet opened it.

"I am truly yours,

"SILAS WRIGHT.

"John L. Russell, Esq."

Gov. Wright to John L. Russell.

"Albany, *4th April*, 1846.

"My Dear Sir. — Your letter is this moment received. You will have seen that the apportionment bill has passed, and that I think it is all which is required by the counties situated as ours is. Perkins has had some trouble about the construction of the convention bill, but I have none; and even if there was room for doubt, as I think there is not, the rights of the people to equal representation would entitle them to the benefit of all the doubts.

"It is very doubtful what may be the fate of the explanatory bill, as the coalition is endeavoring to defeat it, and will do so if the high contracting parties can screw their courage up to the point. The whigs think we shall gain by the change of members, and hence they oppose it; and the conservatives, as I think, hope they may destroy the convention by the confusion that may be produced. I have no fear as to the decision of the convention in relation to the increasing counties; but if the decreasing counties shall be unwise enough to elect under the old law there may be confusion with them. Some of them may be induced to take

that course by the debates on the explanatory bill, in case it shall be defeated.

"I am told that Harris of this county is to go against the explanatory bill, and the right of this county to four members. If he does, I think we shall make it warm weather for him before April is out. You will see that our convention anticipated this matter in an excellent resolution.

"In great haste, I am truly yours,

"SILAS WRIGHT.

"Hon. John L. Russell."

Chapter CXXXIV.

Second and Last Annual Message.

On the 6th of January, 1846, Gov. Wright transmitted his last annual message to the Legislature. It presents, in his clear and forcible manner, everything of interest to the State and her citizens. Although long, it cannot be abbreviated without losing much of its value. It is given at length. It forms one of the most important and instructive chapters in the history of the State, and ought to be placed within the reach of the reading and reflecting men within it. The information it imparts will largely reward the time spent in its perusal. It contains the parting advice and admonitions of one of the most sagacious and careful observers, one who was never swayed by selfish or unpatriotic motives, and who cheerfully performed every duty devolved upon him, whether pleasant or unpleasant, regardless of all consequences affecting himself.

Message from the Governor.

"*To the Senate and Assembly:*

"Fellow-Citizens.— We are assembled to perform the highest and most responsible duties pertaining to civil government. Other departments are charged with the administration and execution of the law. Upon the Legislature is devolved the duty of making the law. Its action is the rule of administration and execution. That action is over all and rests upon all. It binds the conduct of men to the extent of the extreme penalty of human life, and the interests of men to the extent of everything which can be held as property. The office of the legislator is one of the highest dignity. The trust reposed in him by his constituency, is one of the gravest import. Our ambition should be

to discharge this trust well and faithfully, and our expectations of honor should be measured by the strength of our consciousness that sound principles, disinterested intentions and patriotic impulses govern our acts.

"The reflection that we are the mere agents of the people, elected not to serve ourselves but them, should be ever present with us. The great elements of their prosperity are in their hands, not ours. Their own patient industry and careful frugality, and their firm devotion to equal rights and equal laws, are the foundation and the life of our institutions, and are within their own keeping. Laws are necessary to enable them to pursue this industry and enjoy its fruits; to obtain these rights and reap their benefits. Burdens must be imposed upon them and their property to defray the expenses of carrying these laws into effect. These things they cannot well do in person. Hence the delegation of power to us; and the discharge of this agency is the responsible duty upon which we are about to enter. The fewest and simplest laws consistent with the security of the great objects to be attained, and the lightest burdens which their enforcement will permit, must be the best and wisest execution of the trust; the most salutary and acceptable to the constituency, and the most honorable to the representative.

"If these simple principles are kept steadily in view, and permitted to govern our action, our duties will be rendered comparatively easy; their performance pleasant and their discharge beneficial to the public. If we try our measures by the influences they must exert upon the interests and pursuits of all classes of society, and carefully compare every expenditure we authorize with the promises of benefit to the whole people, we shall escape the worst perplexities which are usually attendant upon legislation; avoid the most serious dangers which beset our path, and lay no foundation for the complaints, which most deeply disturb the public mind.

"That legislation which equalizes the benefits and burdens of government, extends the same encouragement to the enterprise and industry of all in every situation and employment, and attempts to secure no special privileges to any, will diffuse prosperity throughout a community; because, under such a system of

laws, all will feel that the fruits of their industry are justly secured to themselves. On the contrary, attempts to confer favors by law upon classes or localities, produce a competition destructive to profitable industry; a strife, not to earn, but to gain the earnings of others. Such a policy may accumulate wealth in a few hands more rapidly than equal legislation, and may, to the superficial observer, present the greater show of prosperity; but the appearance is artificial and delusive, and is produced by a forced and unequal distribution of the proceeds of the labor of all. The tendency of this false system is to separate capital from productive labor, and, carried out to its full extent, will produce the singular result, that he who labors least may accumulate most, and he who works the hardest may know the most want.

"A choice between these lines of policy, in the discharge of our legislative duties, cannot be difficult, and will not, I trust, be doubtful.

"In presenting to you the condition of the State, a reference to its internal peace may well claim the first place.

"In my annual message of the last year, it became my unpleasant duty to announce to the Legislature that the public peace had been interrupted, the laws resisted by armed force, and that my predecessor had been compelled to order into service a portion of the militia of the State, to preserve the one and enforce the other. That military force was in the field at the time that communication was made to the Legislature. In that paper I gave at length the character of these disturbances, and, in every form which presented itself to my mind as likely to exert a beneficial influence, appealed to the tenants of the estates, between whom and the landlords of the same estates the controversy nominally existed, to change their course, and withdraw their countenance, their influence, and their contributions of money and means from the desperate men who were making armed resistance against the laws.

"At that time human life had been sacrificed, in two several instances, to the mad spirit of insubordination, and those incidents were referred to as natural fruits of such unlawful violence, and as startling warnings of worse results, if the same spirit continued to be encouraged.

"These disturbances, and the proper remedies to be applied to them, occupied much of the time of the last Legislature, and among other measures adopted was a law 'To prevent persons appearing disguised and armed.' The provisions of this law were so stringent, and its penalties so severe, that the confident hope was indulged of an abandonment of the use of the disguises, the protection of which, as experience had shown, constituted the principal danger. Repeated instances of flagrant outrage had demonstrated that those who would stoop to disguise their persons, in pursuit of an unlawful object, only required to have their confidence in the protection of the disguise sufficiently strengthened, to bring them to the commission of any degree of crime. In other words, the universal principle was illustrated in these proceedings, that crime requires concealment, and that he who dare not, in the open light, look the law in the face, will be emboldened, under the cover of darkness or the protection of the mask, to outrage its requirements and strike down its defenseless ministers.

"This law had not long been in force when it became apparent that the hopes entertained of its salutary influence were not to be realized. Confidence in the disguise became stronger than the fear of punishment, and parties of disguised men began to show themselves in the excited districts. The county of Delaware, theretofore comparatively peaceful, became the theater of more open and active resistance against the officers of the law than had previously prevailed elsewhere. The assemblages of disguised men were more frequent, more numerous, and their proceedings more daring and desperate than had characterized the disturbances in any other quarter. So, also, these lawless outrages and their perpetrators were met in that county, more promptly, firmly and energetically, than they had been before encountered, without the aid of a State military force; and the law-abiding citizens of the county, led on by their civil officers, to their lasting honor, overcame the resisters by their own unaided efforts.

"The courts and juries of the county proved themselves as firm and faithful to the law as the body of citizens had done, and those arrested in disguise and with arms were indicted, tried,

convicted, and three of the number sentenced to imprisonment in the State prison, each for the term of two years.

"These energetic proceedings appeared for the time to have subdued the insurrectionary spirit, as well in the other excited counties as in Delaware, and again the hope was indulged, that, if excitement had not given place to reflection, and passion to reason, at least it had been seen that the strength of the law, and the love of peace and order in the breasts of our intelligent and patriotic citizens, were too powerful for a resistance of the character attempted, and that further efforts of that description would be abandoned.

"In Delaware county nothing transpired, for months, to dispel this pleasing hope, though in the adjoining county of Schoharie various outrages were committed; the sheriff was forcibly resisted, and was compelled to resort to the provisions of the act of the last session 'to enforce the law and preserve order,' and obtain permission to raise a guard to assist him to serve legal process. So, in the county of Columbia, several gross outrages were committed upon the rights and property of private persons; and, in the month of May, one of the deputies of the sheriff of that county, while quietly walking in the highway, in company with two assistants, upon his return from executing a writ of possession, was deliberately fired upon by three several persons, from the cover of some bushes near the road, and himself and one of the assistants severely, but not dangerously wounded. He was also fired upon, but without effect, while actually engaged in executing the writ. Every practicable effort has been made to discover and arrest the perpetrators of these outrages, as yet without success.

"It was reserved for the ill-fated county of Delaware, however, to bring these mistaken and ill-advised disturbances to open insurrection, and to crown the long catalogue of crime with a cold, deliberate and cruel murder. On the seventh of August, Osman N. Steele, under-sheriff of the county, fell, shot to death, from behind the protection of these masks and disguises, in the middle of the day, in the open field, and while quietly and inoffensively engaged in the discharge of his official duty. Surrounded by some 240 disguised and armed men and a body of

spectators, and with the sheriff and two assistants within a few feet of his person, this faithful officer was murdered, and to this day no one of the actual perpetrators of the bloody deed has been identified.

"The investigations before the coroner's jury were protracted and searching almost beyond example, and developed testimony, portions of which were laid before me, and left no doubt upon my mind that the crisis had arrived contemplated by the Legislature, in the provisions of the nineteenth section of the 'Act to enforce the laws and preserve order;' and application having been made by all the officers named in the section, on the twenty-seventh day of August, I declared, by proclamation, the county of Delaware to be in a state of insurrection, within the provisions and meaning of that law.

"Herewith I transmit a copy of that proclamation, which will give to the Legislature the grounds upon which it was issued.

"The necessary orders were immediately given, to call into the service of the State 300 men, to serve as a battalion of light infantry, from 100 to 150 of whom were to serve as mounted men, when the service should call for such force.

"The annual report of the Adjutant-General, herewith transmitted, will show more in detail the facts in relation to this force and its organization; and it, and the annual report of the Comptroller, will give the plan adopted to subsist the men and the horses, and the entire expense to the State for the pay and subsistence of the battalion.

"No instance of resistance was experienced in the whole course of the service of this force, although it was assiduously employed to aid in the execution of civil as well as criminal process, and in the general execution of the law; the collection of the rents in arrear being a prominent part of the duty performed.

"The arrests made by the sheriff and his officers, with the aid first of the civil, and subsequently of the military *posse*, were very numerous, reaching considerably beyond 100. Some thirty only of these, however, were persons charged with being present at, or parties to, the murder, the residue being in custody for minor offenses, growing out of the previous disturbances in that county. An impression has prevailed, to some extent at

least, that persons implicated in the transaction, out of which this murder proceeded, were, by the court of oyer and terminer, merely punished by the imposition of a fine. This is a mistake. All of those so punished were charged with, and plead guilty to, offenses previously committed; and no one implicated in the murder, who was sentenced at all, received less punishment than imprisonment for seven years in the State prison. Some, who pleaded guilty to the charge of manslaughter in the lower degrees, were liberated upon recognizances, and not sentenced at all, the sentences having been suspended. This mistake is corrected, to prevent misapprehension as to the proceedings of that court, and to do justice to its members.

"About ninety persons, supposed to be identified as present at the time, armed and disguised and engaged in resisting the sheriff, were indicted for the murder. Of this number, little more than one-third were arrested. All these were discharged from the jail in the manner already well known to the public, except the two men convicted and sentenced to be executed. The residue of the persons so indicted are at large, having hitherto evaded the service of process, together with the still larger number not yet identified. Among these are supposed to be most, or all, of the principal leaders, and of those who actually fired upon the lamented Steele, on that fatal occasion.

"The sentences of the men convicted of the murder have been, by me, commuted for the punishment of imprisonment in the State prison for the terms of their natural lives. The grounds of my interference were set forth in a letter to the sheriff, a copy of which is herewith transmitted.

"As soon as it was supposed time had been allowed to restore a reasonable degree of calmness to the public mind, the Adjutant-General was directed to visit Delaware, and make inquiries and examinations, with a view to the revocation of the proclamation declaring the county to be in a state of insurrection, and the final discharge of the military force in the service of the State.

"Upon consultation, in this way, with the public authorities, civil and military, and with various prominent citizens of the county, the conclusion was formed that the time had arrived, when these steps would probably be consistent with the public

security, and might be calculated to allay irritation and promote the restoration of harmony and quiet to this distracted society. Accordingly, the proclamation of the twenty-seventh of August was revoked by a proclamation dated on the eighteenth of December, to take effect after the twenty-second of that month, a copy of which is herewith transmitted. The necessary orders were, simultaneously, issued for the discharge of the military force on the same day.

"It is due to the officers and men of the battalion to say, that the order and energy, the willing obedience and prompt and unpretending execution of duty, which have signalized their entire service, have entitled all to the highest praise. The vigilance and discretion of the officers, and the steady fidelity of the men, prove that the latter were well commanded, and the former well served; and demonstrate that the peace of the State, and the execution of its laws, are both safe in the patriotic hands of its citizen soldiery.

"No indications of a disposition to interrupt the peace of this county have reached me since these transactions.

"The opinion is now very generally entertained that the scenes of violence and armed resistance to the laws have terminated; that the disguises have been permanently discarded, and that, hereafter, legal and constitutional modes of redress for the grievances supposed to exist will alone be attempted.

"Indications of a disposition to keep up the excitement, and even the insurrectionary proceedings, continue to be manifested in individual cases; but it is to be hoped that such indications are confined to those who have made it their vocation to kindle these disturbances and whose only interest in them has been the personal advantages to themselves from their existence. Hitherto the confiding tenants have listened to such advisers, not seeing, nor suspecting, the selfish impulses of interest and ambition which prompted counsel so apparently patriotically given, until a severe experience has shown them the disastrous results of their misplaced confidence. Upon some, who were industrious, quiet and thrifty farmers, it has brought ignominious punishment and perpetual incarceration, in the company of felons. Others, who held like standing, it has banished from their families and their

homes, and made fugitives from that justice they were taught to spurn, for the sake of following these false guides upon what was represented by them as a shorter and surer road to a redress of their alleged grievances. To all it has brought loss of property; angry and embittered feuds, in the place of peaceful social relations, and anxiety, apprehension and distrust, to poison the happiness of the domestic fireside. These are some of the fruits which have been realized from following designing and selfish counselors; and when these tenants shall attempt to resort to the legal and constitutional modes of redress, which they now propose, they will find that there too these pretended friends have least acted the part of friends to them, and that these appeals, even if right .and proper in themselves, have received nothing but prejudice from such interference.

"In my former communication to the Legislature upon this subject, I stated that I considered myself precluded from discussing, or even considering the real merits of the differences existing between the landlords and the tenants, by the violent and criminal conduct of those who assumed to act for the latter, and in their name, and apparently by their approbation; and who had changed the issue to one between sustaining the law, preserving the public peace, and protecting the rights and lives of unoffending citizens on the one side, and armed resistance against the law, wanton disturbances of the peace, and aggravated trespasses on the rights and lives of individuals, on the other.

"Assuming, what I hope time may prove, that these violent proceedings have terminated, and that, hereafter, only constitutional and lawful appeals for redress are to be made, the points really presented for public action become proper subjects for inquiry and discussion.

"The change of the tenures from leasehold to fee simple estates I have ever understood, and supposed to be, the great object of desire on the part of the tenants. The odious character, and evil influences, of the leasehold tenures, have certainly formed the great burden of the complaints which have reached me; and I have labored under a false impression, if, at the commencement, the avowed object was not this change. This, it seemed to be well understood and conceded, must be reached by contract and

compromise between the landlord and tenant, and that no power possessed by the State could so change the existing contracts, while the Constitution of the United States remained in force.

"If my present information be correct, that point has been substantially reached, so far as the landlords are concerned. They, I believe, with very few exceptions, avow their readiness to commute the titles, and to enter into negotiations with their respective tenants for that purpose. Some of them have gone so far as to give to the public the terms upon which they will commute, or upon which they will open negotiations for that object; and in many cases which have come to my knowledge, these terms appear to be such as, in all fairness, require on the part of the tenants a corresponding advance toward a compromise. I do not say that the precise terms should be accepted; but I think I speak no more than the judgment of the great mass of our constituents, when I say that they are propositions which ought to be received as the basis of mutual negotiations.

"Assuming the continuance of the leases, another ground of complaint on the part of the tenants is the distress for rent, which it is claimed should be abolished. This the Legislature has the unquestioned power to do prospectively; and I do not suppose the right to do it retrospectively will be contended for, where the remedy by distress is secured by the covenants in the lease. A change of the law thus affecting a subsisting contract is held, as I believe, by the highest judicial authority in the country, not merely to affect the remedy, but to impair the obligation of the contract itself. Considered, therefore, in a prospective light only, I cannot perceive that this change of the law can be seriously detrimental to lessors, and especially of farming lands. Their security for ultimate payment is always to be found in the improvements upon the land. It would doubtless, to a considerable extent, affect the leasing of houses and other tenements in cities and villages, where deterioration rather than improvement to the property is the consequence of the use; but whether the effect would be most to the disadvantage of the landlord, or tenant, is very questionable.

"The remedy by distress, especially when applied to farms, is so inseparably connected with the leasehold tenures, as to partake

of their unpopularity, and it may be wise, in reference to this description of property, to abolish it prospectively, as it may the tenures themselves, as applicable to agricultural lands. This mode of collecting the rent is said to be too summary for the safety of the farmer, while, on the other hand, it is alleged that, although summary, it is the least expensive process for the collection of an admitted and liquidated debt. It is also added that the non-payment of the rent must be a forfeiture of the lease, entitling the landlord to re-enter and repossess himself of the land with the improvements, and if the remedy by distress be taken from him, he will avail himself of this more severe, though more protracted, redress. A sufficient answer to this argument is that, as the improvements upon the land must always be ample security to the landlord for his rent, where farms are leased in this manner, the change of the law cannot injure him; and if a valuable public good can be accomplished by it, and the tenant, who is the other party in immediate interest, desires the change at this risk, the landlord would seem to have no reasonable ground for complaint or opposition.

"A still further complaint made by the tenants is that an inequality of taxation exists in favor of the landlords of these leasehold estates, unjust to the people of the whole State, in reference to the collection of a general tax, and particularly unjust to the people of the counties where the estates are situate, in reference to the taxes annually assessed to pay town and county expenses. The ground assumed, if I understand it, is that the rents are, in effect, the interest upon a capital invested by the landlord and secured upon the land, which capital is as proper an object of taxation as money secured by bond and mortgage, or by contract for the sale of lands. In other words, it is assumed that conveying lands by durable leases is a mode of sale, in effect, by which the seller, instead of stipulating that the purchase-money shall be paid within a specified time, requires that it shall forever remain invested in and secured upon the land, and that the interest upon that purchase-money shall be annually paid to him as rent. If the same terms of sale were carried into effect by a deed from the seller, and a mortgage from the purchaser, the law would tax the capital secured by the mort-

gage in the hands of the seller, while the land would be taxed as the property of the purchaser. In these cases, the law taxes the lands to the tenants who occupy them; and still it is said the capital secured to the landlord by the lease, and which produces to him his interest, under the name of rent, as the mortgage secures to the seller the capital which produces his income, under the name of interest, is not reached by the law, and is not taxed at all, although there is no difference in principle, public policy or substantial justice between the two cases.

"There appears to be force and truth in this position. The place and manner of assessing such capital may be matter of more difficulty and more question. The money due upon mortgages, contracts, notes, and the like, is assessed to the holder of the securities, at the place of his residence, and the tax is payable in his town or ward; while the complaint urged in this case implies the opinion that the leases should be assessed, and the tax paid, in the town or ward where the lands are situate. This would be the introduction of a new principle in reference to the assessment of personal property of resident citizens; but the expediency of adopting it, and the mode of carrying it out, are matters of detail appropriately belonging to legislation, in case the tax itself is imposed.

"A report from the Comptroller to the House of Assembly, upon this subject, was made on the sixteenth of April last, in obedience to a call from the Assembly of 1844. In this document the whole subject is discussed with clearness and force. I respectfully refer the Legislature to it, as presenting considerations upon this point which appear to me to be sound in principle and practical in detail.

"A suggestion has been frequently made, in connection with the troubles arising from these tenures, the adoption of which I suppose to be within the unquestioned power of the Legislature, although I am not aware that it has been urged by the tenants upon the existing leasehold estates. It is that a law should be passed to prohibit, for the future, this form of selling farming lands, by declaring that no lease for such lands for a longer term than five or ten years, or some other short period, shall be valid. It is entirely apparent, notwithstanding the very unwarrantable

character of the late disturbances upon the leasehold estates, that these tenures are not in accordance with the spirit of our institutions or with the feelings of that portion of our people in no way interested in the disturbances or in the relations out of which they have grown. Such is manifestly the settled state of the public mind upon this point, that the multiplication or material extension of leasehold estates would be looked upon as a public evil, threatening more wide-spread and serious disturbances than those which have recently interrupted our internal peace. If, therefore, there be no obstacle in principle, and none presents itself to my mind, may it not be well for the Legislature to put at rest any apprehension of this sort, by the passage of such a law. I should hope for salutary influences from such legislation upon the existing estates. I think it would have a tendency to confirm, in the minds of the landlords, their present inclination to commute the leasehold titles, and would operate strongly upon the tenants to induce them to accept fair terms of commutation, and discharge themselves at as early a day as possible, from an objectionable system of tenures thus confined to them.

"I am not aware that it will be necessary to call upon you for any further provisions of law, in reference to the suppression of these disturbances, if they should again arise, as it is to be earnestly hoped they will not. The provisions of the two laws passed by the last Legislature, which have been before referred to — the first 'to prevent persons appearing disguised and armed,' and the second 'to enforce the laws and preserve order' — have been very effective, when energetically and faithfully resorted to, and appear to me to be sufficient to secure the enforcement of the law and the preservation of order, so far as legislative enactments can do it. There is some complaint that the last-named act throws too heavy a burden upon the county, and especially in expense, before the power of the State can be invoked. This is a point upon which the last Legislature deliberated carefully, and yet experience, subsequent to its action, may have furnished satisfactory evidence that there is justice in the complaint. It is a point of the first importance in enforcing the law, as, unless the power of the county shall be faithfully exerted, the authorities of the State cannot interfere; and if the pecuniary burden upon the county is

likely to be so great as to discourage effort and embarrass the sheriff in obtaining a sufficient *posse*, the effect might be dangerous. On the other hand, if the resort to the power of the State is made too easy, that will discourage effort in the county, that all the expense may be transferred to the State. The subject, therefore, is one demanding careful action, and is respectfully presented to your consideration, in case a change of the existing law should be urged.

"The expenses upon the county of Delaware have been very heavy, and I am advised that an application will be made to the Legislature for relief. It may be that a distinction can properly be made between the expenses incurred by that county, after the insurrection existed in fact, and before it was declared to exist by proclamation so as to authorize the interposition of a State military force. It is proper to inform the Legislature that I was absent from the capital at the time of the outbreak and murder, and agents sent by the civil authorities of the county to invoke my action were delayed several days to await my return; after which time considerable further delay was occasioned to enable them to return and furnish to me evidence of the facts alleged to exist, but without the evidence of which I did not feel authorized to make so responsible a declaration. From these causes twenty days intervened between the insurrectionary assemblage and the proclamation, and during all that time, as I am informed and believe, the sheriff was employing a very large mounted *posse*, and results showed that it was very energetically and efficiently employed. It was the developments consequent upon these exertions, exhibiting the fact that insurrection did exist on the seventh of August, which laid the foundation for proclaiming its existence in conformity to law; but the interposition of the State could not be retrospective, and therefore the expense of preserving the peace, sustaining the law, and apprehending the guilty, during these twenty days, was thrown exclusively upon the county.

"According to the requirement of the Constitution, a census of the people of the State has been taken during the last year, in conformity to the provisions of the law of the last session directing the manner of taking it. The returns have all been made to the office of the Secretary of State, and the report of that officer

will, at an early day in your session, place the results before you.

"The entire population of the State is shown to be 2,604,495, being an increase since the census of 1840, taken in obedience to the Constitution and laws of the United States, of 183,574, a little more than seven and a half per cent for the five years. This is a rate of increase much less than has marked the growth of our population for the previous portions of the present century; and shows that emigration from the State is much greater than to it. The enumeration was taken as of the first day of July. The number of births in the State, during the year ending on that day, was 89,755, and the number of deaths 36,284; thus showing an increase of the births over the deaths, in a single year, of 53,471. This ratio of increase, for the five years, would have added to our population more than 70,000 souls beyond the present actual number; which simple comparison establishes two important facts, 1st. That the natural increase of the population is healthful and rapid, and 2nd. That the emigration from the State is greater by from 10,000 to 15,000 annually than the emigration to it. Another fact appearing upon the face of the census shows the description of this emigration. It is, that the increase of population is confined principally to the cities and large villages, thus proving that the great body of the emigration from the State is from the agricultural districts. The increase of population, for the five years, in the four cities of New York, Brooklyn, Albany and Buffalo, makes an aggregate of 147,767.

"The number of persons liable to do military duty is 228,292, and the number of persons entitled to vote for all offices elective by the people is 539,379.

"The statistics of the productions of agriculture and manufactures are very full, and cannot fail to possess great interest. They will receive too careful an examination at your hands, to require the brief reference to them here which this communication will permit. The improved land in the State averages a trifle more than four and a half acres to each soul, and there is produced from it, of wheat, corn, rye and buckwheat, breadstuffs proper, according to our classification, a fraction less than thirteen and one-third bushels to each individual of the population;

of barley and oats, a fraction less than eleven and one-third bushels; of beans and peas, about three-fourths of a bushel, and of potatoes and turnips, they being the only articles given of the root crops, a fraction more than nine and a half bushels. The milch cows are more than one to three persons, and the butter and cheese, together, average more than forty pounds to each person. The neat cattle are very nearly one to each soul, and the hogs more than one to two persons. The wool and flax produced are a little less than six and a half pounds to a person, and the cloth manufactured, in families and in factories, is more than seventeen yards to each soul.

"A population whose own industry produces this amount annually of the necessaries and comforts of life, and affords such a surplus for exchange, may truly be said to hold the great elements of its independence and prosperity in its own hands, neither of which can be destroyed or dangerously impaired while such a ratio of productive industry is directed by virtuous and patriotic impulses, strengthened by the universal diffusion of education.

"The law of the last session directed the Secretary of State to appoint marshals to take a census of 'the Indians residing on the several reservations in this State, with such statistical information as it should be in their power to collect and as the Secretary should prescribe.' The returns of these marshals give the means of comparing the condition of these children of the forest, as they are usually termed, with that of the general population of the State, in many of the particulars above enumerated; and the comparison cannot fail to possess a strong interest, as in some respects it will present a melancholy evidence of the reduced state and now almost literally diminishing population of these once powerful and proud nations. The enumeration embraces what are usually known as the Seneca, Oneida, St. Regis, Onondaga and Cayuga Indians within the State. The whole number of souls is 3,753, and the number of births in the year ending on the first day of July last exceeded the deaths by a single one.

"A minute comparison of the statistics returned with the census of the Indians will show that, in improved land and articles of food, their condition bears a creditable comparison with that of the white population. In manufactures, and

especially of the necessary clothing, there is an almost total deficiency.

"It is hoped that these people will institute these comparisons themselves, as they cannot fail to show them that the lands they possess, if as well worked, are capable of rendering them as comfortable and as independent of want as their white neighbors, which should stimulate them to still further and more valuable, and more useful improvements.

"The people of the State have, with a unanimity almost unknown in the history of our elections, decided in favor of the proposition to hold a convention 'to consider of alterations and amendments to the Constitution' of the State. This decision will relieve the present Legislature from a mass of responsible labor which has consumed much time for several of the past years. Important propositions to amend that instrument have held prominent places upon the calendars of business of both Houses for many consecutive sessions, and have given occasion for elaborate investigations and protracted debates. This whole subject has now been referred, by the people themselves, to a convention; and it would be highly improper in me to attempt to press upon your consideration questions thus wisely disposed of, so far as our agency is concerned.

"Upon this Legislature, however, is devolved the constitutional duty of reapportioning the representation in the Legislature, according to the returns of the State census just completed; and as the election to choose delegates to the convention is to be held on the last Tuesday in April next, justice to the people of the counties, the representation of which is to be increased by the change of population, would seem to require that the apportionment should be made in season to permit this election to take place under it. No injustice will be done, by this proceeding, to the counties the representation of which is to be lessened by the new apportionment, as they will still have, in the convention, that representation to which their population entitles them, while the other class of counties will have no more.

"Justice to the whole population equally requires this action at the hands of the Legislature. The same people who have voted upon the question of a convention are to be represented in

that body, and they have a right to be equally represented. I will not, however, occupy your time in the discussion of a point about which I feel sure there can be no diversity of opinion, but will content myself with recommending that this subject occupy your early attention, so that the law may be passed in time to prepare for the election in April.

"The financial condition of the State is a matter, at all times, of the deepest interest, as well to the people themselves as to their representatives, upon whose action they depend for the security of their credit, the preservation of their faith, and their indemnity from unnecessary and unjust burdens. My general views in relation to the true financial policy for the State, in the present condition of its debts and liabilities, were so fully expressed in my first message to the Legislature, as to supersede the necessity of a repetition of them here. The recommendations were, in substance, that the indebtedness of the State should not be increased; that the revenues of the respective funds should be so strengthened as to render them sufficient to meet current calls, to pay the interest on the debts, and to make annual contributions to a sinking fund such as would extinguish the principal, within a reasonable period; and that, while the redemption of the pledges contained in former laws, authorizing loans of money, should require it, the whole of the revenues, beyond the payment of current and necessary expenses, should be appropriated to the payment of the portions of the debt falling due, rather than to any new expenditure.

"In this last recommendation, I was so unfortunate as to differ from the majority of the Legislature to which the communication was made. And a bill was passed to appropriate a specific amount of the canal revenues for a resumption of the work upon the unfinished canals. Various other expenditures were authorized in the same bill. I was unable to give to the measure my approbation, and, as the Constitution directs, the bill was returned to the House in which it originated, with my objections. Those objections the Journals of the last Assembly will exhibit, and any other reference to them in this communication is unnecessary. The bill did not pass by the constitutional vote, and, as a necessary consequence, the question between myself and the

majority of the Legislature was referred to the decision of our common constituents.

"The statement of the canal debt, at the close of the fiscal year, on the thirtieth day of September last, as given to me from the Canal department, is as follows:

" Erie and Champlain canal, old debt		$111,365 54
" Erie and Champlain canal, new debt		341,474 52
" Erie canal enlargement		9,933,000 00
" Oswego canal		421,304 00
" Cayuga and Seneca canal		237,000 00
" Chemung canal		648,600 58
" Crooked Lake canal		120,000 00
" Chenango canal		2,420,000 00
" Black River canal		1,544,000 00
" Genesee Valley canal		3,794,000 00
" Oneida Lake canal		50,000 00
" Oneida river improvement		69,276 13
" Making the entire canal debt unredeemed 30th September, 1845		$19,690,020 77
" Of this amount, the first item, Erie and Champlain canal, old debt, is provided for; the money deposited in the transfer office, and no interest has been paid upon it since it fell due, on the first day of July last. Yet it is to be paid, is due on presentment, and is, therefore, a liability against the means of this year. The amount is	$111,365 54	
" Of Chenango canal stocks, there became payable on the first day of the present month	2,262,535 66	
		2,473,901 20
" Leaving a balance of debt not yet due of		$17,216,119 57
" The whole of the Oswego canal stocks become payable on the first day of July next, and the amount is	$421,304 00	
" Of the Cayuga and Seneca canal stocks, there become payable on the first day of July next, the sum of	150,000 00	
		$571,304 00
" If these liabilities of the present year be met by payment, there will remain a balance of the canal debt unredeemed of		$16,644,815 57

"The Commissioners of the Canal Fund, during the last fiscal year and since its close, have pursued the policy of paying these stocks at the day, and have, as means were at command and opportunities were afforded, redeemed such of the Chenango stocks as were presented. They had given seasonable notice to the holders of the stocks, that interest would not be paid after the thirty-first day of December last, the stocks having been made payable 'after the year 1845;' and various parcels were presented, and large amounts redeemed, before the first day of the present month, which was the day of payment. On the second day of the present month, about $1,798,000 of the Chenango stocks had been paid off and canceled, and about $672,000 was on deposit to the credit of the Commissioners, in the Manhattan Bank in the city of New York, ready to meet the payment of the balance of these stocks, as they should come in.

"The unusually large amount of the canal tolls, during the latter part of the last season of navigation, has enabled the commissioners to place in bank, at the proper point, all the money necessary to pay off the whole of these Chenango stocks, and thus to accomplish what it had scarcely been hoped could be accomplished, without means other than those the Canal Fund could supply. The annual report of the commissioners of that fund, to be immediately laid before you, will give more at large the present condition of the fund, its revenues and its debt.

"It will be seen from the same report that the commissioners confidently expect to be able to meet, at the day, the Oswego and Cayuga & Seneca stocks, payable on the first of July next, without any assistance beyond the means in hand and the tolls of the next season, which may be received in time for that purpose.

"If these anticipations shall be realized, we shall have effectually changed our policy in reference to the canal debt. The means of the first two years, after the arrest of the expenditures, were entirely consumed in paying off temporary loans; arrearages and damages to contractors; damages done to lands, and the like claims, which had accumulated during the progress of the works or were occasioned by their suspension; and in replacing the moneys theretofore accumulated to pay off the old Erie and Cham-

plain canal debt, which had been loaned to banks that were unable to pay; so that the permanent stock debt was increased rather than diminished during that period. Indeed the last year made the first real reduction of this debt, by the payment of more than a million and a third of the old stock, reducing it to the small sum before given. This balance, and the Chenango, Oswego and Cayuga & Seneca stocks, falling upon this year, amount to the large sum of $3,045,205.20. If these payments shall be made within the present fiscal year, an amount of redemptions equal to $4,314,090.01 will have been made within the two years; the canal stock debt will have been actually diminished $4,069,090.01; and the amount of annual interest upon it will have been lessened $206,396.58. Results like these will rapidly relieve the canal revenues from the consuming demand for interest, which has so long nearly absorbed their whole net proceeds.

"The act of 1842, 'to provide for paying the debt and preserving the credit of the State,' requires a statement from the Canal department of the revenues of all the State canals, derived from sources annual in their nature, and a like statement of all the expenditures upon those works, and all charges caused by or growing out of them, including the sum of $200,000, required by a law of 1841 to be annually paid to the general treasury, to be made at the close of each fiscal year.

"That statement for the year ending on the thirteenth day of September last, shows an aggregate amount of revenue of	$2,375,232 48
"And charges and expenses to the amount of	1,918,140 55
"Leaving a surplus of revenue over expenses, for the fiscal year, of	$457,091 93

"In order to institute the sinking fund, required to be established by the act of 1842, it became necessary to ascertain the amount of one-third of the annual interest upon the canal debt existing at the time of the passage of that act and authorized by it. That was done at the Canal department, after the amount of debt to be contracted under the act had become certain; and the sum arrived at was $375,909.38. This then became the fixed sum, which, at the least, in the language of the law, was to be

contributed, from the surplus canal revenues, to this sinking fund, at the close of each fiscal year, commencing with the 30th of September, 1842, and continuing until means should be accumulated to pay the whole debt. The close of the fiscal year, ending on the thirtieth of September last, should have made the fourth contribution of this amount to the sinking fund, and, had they been fully made, there would have been added to the capital of the fund, from this source, $1,503,637.52; whereas the actual contributions have been as follows :

"30th September, 1842	$68,504 61
"30th September, 1843	255,762 09
"30th September, 1844	571,277 51
"30th September, 1845	457,091 93
"Making the amount actually contributed from the surplus revenues for the four years	$1,352,636 14

"The amounts thus contributed are the whole amounts of the surplus, over and above the expenditures, for each of the years. The surplus for 1842, as will be seen, was very small, and fell far short of the required contribution; and that for 1843 was more than $120,000 short, while those of the two last years considerably exceed the third of the annual interest, as ascertained under the law. Yet the aggregate of annual contributions is less, by $151,001.38, than it should have been to make good the fund, according to the contemplation of the law.

"There is no express provision in the law establishing this sinking fund, which requires that a deficiency in the canal revenues to make the contribution, for a given year, shall be supplied from the surplus of a subsequent year, although the nature and objects of the fund require that construction; but the act, chapter 314 of the Laws of 1844, supplies that deficiency, if it be one, by making this requirement in terms. This last act directs the establishment of another sinking fund, to meet a debt authorized by it, but the canal revenues have, as yet, furnished no surplus applicable to that object, as the statements before made show that the calls of this fund require more than the entire surplus hitherto.

"My annual message to the last Legislature was prepared under

a misapprehension upon this subject. Not adverting to the fact that the deficiencies of former years, in the contributions to this fund, were to be supplied from the subsequent revenues, I assumed that those of the last year had furnished a surplus beyond the demands of this sinking fund upon them. That misapprehension was fully corrected in my message to the Assembly, returning the bill 'concerning the canals' with objections, and to the correction there made I respectfully refer, in case the explanation should become material.

"The revenues of all the canals, for the last fiscal year, have exceeded those of the year 1844, by the sum of $25,984.38, but the expenses are above those of that year by $140,169.96, so that the surplus of revenue over the expenditures, is $114,185.58 less than the same surplus of the previous year. The canal tolls for the year ending on the thirtieth of September last were $12,305.56 less than for the previous fiscal year, and the rents of surplus water were $654.13 less; but the interest on the current revenue was $38,944.07 more than for the previous year, thus overbalancing the deficiencies in the other two items, and giving the excess of aggregate revenue above stated. The excess of expenditures for the last year has been principally upon the repairs, under the direction of the superintendents of repairs, and the improvements, under the immediate direction of the Canal Commissioners; the former item having been increased $81,656.32, and the latter $40,351.43. The annual report of the Canal Commissioners will, I presume, exhibit these expenditures and the causes for them, in a satisfactory manner.

"The business of the fall has shown that the principal canals must have been in a good condition for navigation, as the amount of tonnage transported has been much greater than in any former equal period, and the regularity and facility with which unusually heavy-laden boats made their passages, is the best evidence that few obstructions were encountered. The receipts of tolls, for the last two months of the navigable season, were unprecedently large, and have materially aided at an opportune moment, to place means in the hands of the Commissioners of the Canal Fund to redeem the large amount of stocks which fell due on the first day of the present month. The increased demand and

improving price of wheat and flour have contributed principally toward this press of business on the canals, and the consequence has doubtless been to send forward to the market, during the fall, a much larger portion of the last crop, than would otherwise have been brought out before the next season. The tolls of the fall have thus been greatly increased, while those of the spring will be diminished to the extent that its business has been anticipated by the change in the fall market. It does not necessarily follow, therefore, that the tolls of the fiscal year ending on the 30th of September, 1846, will be unusually large, because that portion of them already received has been so.

"The tolls upon each of the canals of the State for the last season of navigation, compared with those of the season of 1844, are as follows:

	1845.	1844.
Erie canal	$2,361,810 75	$2,190,147 34
Champlain canal	119,432 25	116,739 32
Oswego canal	58,448 60	56,164 93
Cayuga and Seneca canal	32,486 66	24,618 17
Chemung canal	21,517 71	14,385 13
Crooked Lake canal	1,943 86	1,497 89
Chenango canal	26,567 34	22,177 96
Genesee Valley canal	23,144 35	19,641 20
Oneida Lake canal	643 16	621 45
Oneida river improvement	459 10	381 13
Total	$2,646,453 78	$2,446,374 52

"The statements from the Canal department, from which the foregoing results in relation to the Canal Fund and its revenues are deduced, are made in conformity with the express provisions of the act of 1842, which requires that, as a part of the annual expenditures from these revenues, shall be given the $200,000, directed by the act of 25th of May, 1841, to be paid yearly to the General Fund. It will be seen hereafter that this sum was not, for the last fiscal year, paid to the General Fund, but was applied by the Commissioners of the Canal Fund to the redemption of canal stocks falling due, and for the redemption of which, sufficient means, without this portion of those revenues, were not provided. The reimbursement of this $200,000 to the General

Fund, when there shall be no paramount claims upon the canal revenues to prevent it, will leave the canal accounts as they are above presented, and the only effect will have been that the Canal Fund will have deferred a debt to the general treasury rather than to the public creditor.

"The condition of the General Fund is very different from that of the Canal Fund just presented. Its debt is large, entirely beyond the power of its revenues, and is annually augmenting. Its revenues, now greatly unequal to the current charges upon the fund, separate from any payment upon the principal of the debt, are to be materially diminished during the present year unless the Legislature interpose, and provide new sources of income.

"The debt charged upon the fund was, at the close of the last fiscal year.....	$5,889,549 24
"This debt, at the close of the fiscal year 1844, was.....	5,634,507 68
"Showing an increase within the year ending thirtieth September last, of	$255,041 56

"A statement of the liabilities of this fund for the year, and of its means to meet them, shows a deficiency of those means, on the thirtieth of September last, after applying the whole balance of money then remaining in the treasury, of $740,151.78. That amount has been borrowed from, and is due to, the other public funds.

"The productive capital of this fund is literally nothing. Its richest source of revenue, for the last year, has been the mill tax, the whole of which, by a provision in the financial act of 1842, was appropriated to this fund, the canal revenues having reached the point, for the year 1844, when the half of the tax appropriated to that fund was to cease, unless already assessed for another year; in which case, the whole tax for such year was to be paid to the General Fund; after that time the half was to be no longer levied. That contingency happened during the last fiscal year, and therefore the General Fund received the whole tax, but, for the future, only the one-half of the mill tax imposed by that law is to be collected. The remaining principal source of revenue is the $200,000 per annum, directed by the 'Act to regulate the accounts

between certain funds belonging to this State,' to be paid from the Canal Fund for the use of the General Fund. This amount has not been paid for the last fiscal year, for the reason assigned when speaking of the canal revenues; which has increased, to that extent, the deficiency in the revenues of the General Fund for that year.

"I can add nothing to the recommendations urged in my former annual message, that provisions be made to strengthen the revenues of this fund, and to arrest the rapid increase of its debt. The ordinary expenses of the government are now annually met by loans; and money is, in effect if not in fact, borrowed in each subsequent year to pay the interest upon the debt which the necessities of the previous year accumulated. In my judgment, neither the interest nor the will of our constituents is observed in the pursuit of a policy so ruinous.

"In addition to the amount of debt actually charged upon this fund, it is contingently liable to the amount of $1,713,000, for loans of the credit of the State to canal and railroad companies, which yet continue to pay the interest, and it is hoped will extinguish the principal also of the loans, as they shall become payable, and save the State entirely harmless. A large portion of the loan to the Delaware and Hudson Canal Company, which was made upon a credit of twenty years, is to fall due on the 1st day of January, 1848. This stock, by its terms, is payable 'at the pleasure of the State at any time after the year 1847,' and as it is the settled policy of the State not to defer, beyond the day, the redemption of stocks issued for its own benefit, it is presumed its pleasure will be that the stocks it has loaned shall be redeemed by the same rule — payment at the day. The stocks loaned to this company were issued by the Comptroller, and the original certificates signed by him; but they are transferable at the office of the company, and the new certificates are signed by its treasurer, and countersigned by the officer appointed in the city of New York to transfer other stocks of the State. The transfer books are kept at the office of the company; the lists of stockholders are only to be found there, and there the payments of interest are made.

"It is important that a notice should be seasonably given to

the holders of these stocks, that they will be paid on the 1st day of January, 1848, and that such is the pleasure of the State. It is not believed that any officer of the State is now authorized to give this notice, and, without the lists of the holders of the stock, no officer has it in his power to give it. I recommend that provision be made by law to meet this case, and also to reach all the stocks loaned by the State to canal and railroad companies.

"The productive capital of the Common School Fund, at the close of the fiscal year, was	$2,090,632 41
"At the close of 1844, that capital was	1,992,916 35
"Showing an increase, within the last year, of	$97,716 06

"The unproductive part of the capital of the fund is about 350,000 acres of unsold land, situate in the northern part of the State, and valued at $175,000.

"The receipts into the treasury, during the year, for revenue from this capital, was	$113,458 87
"Add the appropriation of revenue from the United States Deposit Fund	165,000 00
"And the entire revenues of the fund, for the year, will be	$278,458 87
"At the close of the fiscal year ending 30th September, 1844, there was remaining in the treasury a balance of the revenues of this fund of	89,019 46
"Making the whole means of the year	$367,478 33
"The entire payments from these means, during the same year, were	280,649 37
"Leaving in the treasury, on the thirtieth of September last, a balance of revenue of	$86,828 96

"The distribution to be made annually to the common schools, from the revenues of this fund, is $275,000; and this is upon the condition that the counties raise by tax a like sum for the like distribution, so that the sum of $550,000 is in fact distributed to the common schools, from the operation of the laws regulating this fund. To this amount the local funds possessed by various towns in the State, growing mostly out of lands originally reserved for the use of schools, have added $20,000. Certain towns have,

by the vote of their inhabitants, raised by tax upon themselves $16,000 more; and there has been raised in the cities, under the various special laws, the further sum of $200,000; so that the whole expenditure for the year, from these sources, upon the common schools and the district school libraries, has been $786,000.

"Of this sum, the amount paid for teachers' wages has been,	$629,856 94
"And the amount contributed on rate bills, to pay teachers' wages, has been	458,127 78
"Showing an aggregate paid, in the State, to teachers of	$1,087,984 72

"The school district libraries now contain 1,145,250 volumes, 106,854 having been added during the year covered by the last reports. Toward these libraries there was paid of the public money, during the last year, $95,159.25. Of the money raised in the cities, about $80,000 has been expended in the erection of school houses.

"The whole number of organized school districts in the State is 11,018, and from 10,812 of these the Superintendent of Common Schools has received reports in conformity to the law. These reports give the number of children in the districts, between the ages of five and sixteen years, at 690,914, and the whole number of children instructed in the common schools, during the year, at 736,045. They show that, of this last number, 4,298 children have been taught during the whole year; 48,875 for ten months; 94,893 for eight months; 189,885 for six months; 337,000 for four months; 534,261 for two months and upward; and 201,784 for less than two months.

"Such are some of the statistics laid before me, by the Superintendent of Common Schools, touching this interesting subject. The annual report of that officer will soon be presented to the Legislature, and will supersede the necessity of my giving more of these facts, or indulging in comments on those presented; and I have, upon a former occasion, so fully expressed my views upon the paramount importance of our common school system, its great objects, and the results which the administrators of it ought to strive to accomplish, that a repetition of these views is unnecessary.

"By an act passed on the 7th of May, 1844, the Legislature appropriated money for the establishment of a 'Normal School, for the instruction and practice of teachers of common schools in the science of education and in the art of teaching.' The law places the school under the direction of the Superintendent of Common Schools and the Regents of the University, who are to appoint an executive committee of five members, of whom the Superintendent shall be one, to take the immediate charge, and superintend the management and government of the school, under the regulations; and to report annually to the Superintendent and Regents.

"The city of Albany very generously tendered the use of a suitable building, free of rent, and the school was organized, and commenced the business of instruction, on the 18th day of December, 1844. Twenty-nine pupils presented themselves on the first day, and the number increased to ninety-eight during a term of twelve weeks. Pupils attended from forty of the counties of the State. The second term commenced on the second Wednesday in April, and continued twenty weeks, and on the first day of the term, 170 pupils were present. The whole number attending the school, during the term, was 185, and every county in the State, except Putnam, sent one or more students. About nine-tenths of the whole had taught school, for a longer or shorter period. At the close of the second term, thirty-four of the scholars received diplomas, being certificates of their qualifications to teach common schools. The third term commenced on the third Wednesday in October last, and is to continue twenty-one weeks. At the opening of the school, for this term, 180 pupils were present, and the number has increased to 197, of whom ninety-four are males, and 103 females. Of this number, 176 have been teachers for a longer or shorter period; some for several years. Every county in the State, except Seneca, is represented in the school at the present time.

"These results have been experienced during the first year of the existence of this institution, and they have more than realized the most sanguine expectations of the friends of the school. This is an experiment in our State, but certainly connected with a subject — the proper education of common school teachers — which

authorizes every reasonable effort, giving a promise of improvement, and even any experiment which shall hold out that promise. In this particular, our common school system has proved to be the most deficient, as every friend of education has seen and felt. The institution of pattern schools for the education of teachers is not new. The system has been in operation in several European countries for a length of time, and in the State of Massachusetts for several years last past; and wherever the experiment has been made, it has been successful.

"The executive committee of this school entertain the opinion that no similar establishment, elsewhere, has started so vigorously, or made so great an advance in a single year; and they believe, in addition to a very successful and fortunate selection of teachers, the causes are to be found in the liberal patronage of the State, and the peculiar organization of the school. The pupils from the counties are selected by the boards of supervisors, or in case they are not to meet in time to supply a vacancy, by the county and town superintendents of common schools. The applications are numerous, presenting a wide field for selection, and the consequence is, that the students appointed are to a great extent those whom the county superintendent would cheerfully give certificates as teachers, before they receive the benefits of this school. Hence talent and character are secured to build upon, and with capacity and faithfulness on the part of the teachers, and diligent application on the part of the scholars, success can scarcely be doubtful.

"No serious difficulties have been encountered in the government of the school, and the executive committee speak of the conduct and bearing, and the untiring industry and application of both teachers and scholars, in the highest terms of praise.

"The act, chapter 311 of the Laws of 1844, appropriated $9,600 to meet the expenses of organizing and commencing the school, of which sum but $3,200 has as yet been drawn from the treasury. This appropriation was made from the revenues of the Literature Fund, being the amount formerly paid annually to certain selected academies, for the education of common school teachers. The same law, and the act, chapter 142 of the Laws of 1845, secure an annual appropriation of $10,000 for the period of five years, for

the support of the school, also to be paid from the revenues of the Literature Fund, in case those revenues shall be sufficient; and if not, then from the treasury, to be charged over upon the surplus revenues of the United States Deposit Fund.

"The executive committee state, that this appropriation is ample for the support of the school upon the plan adopted. Indeed, it was intended that the fund should be more than sufficient to meet the mere charges of the school, and should offer something toward the expenses of the pupils, as an encouragement for their attendance. Hitherto the regulation has been to select from each county scholars equal in number to the members of the Assembly, and to consider these as State pupils, entitled to such a distributive share of the appropriation as the expenses of the school should leave to be thus applied. The number of these scholars at present is 123, and seventy-five cents per week is paid to each, toward board. During the two former terms, when the school was smaller, these payments were larger per scholar. There are seventy-four scholars denominated volunteer pupils, being those who are not selected from the counties in the manner prescribed, but come in upon application and examination, and pay all their expenses, having their tuition and the use of the class-books free of expense.

"The committee have now concluded that, by fitting up an additional room, they can accommodate 256 scholars, twice the number of the members of the Assembly, and that, after the present term, all shall be State pupils, selected from the counties upon the ratio of representation in the Assembly, and equally entitled to a distributive share of the public money; and that to bring all to the school upon terms of the nearest possible equality, they will, hereafter, make the distribution with an equitable reference to the distance traveled, and the expense incurred by each pupil in reaching the school. The distributive share to each scholar will probably be less than actual traveling expenses, so that this rule will tend to bring the school, in point of expense, equally near to all. These regulations will, I think, be a great improvement upon those now in force.

"I forbear going further into detail in reference to this institution, as the annual report of the executive committee will soon

be laid before you, and will give these and all other material facts connected with the school, much more fully than they can be presented in this communication. Among other information of interest, that report will be accompanied by a full statement of the course of instruction in the school, exhibiting to the easy comprehension of all, the great leading design and object — that of making competent and useful teachers of common schools — and the mode adopted to accomplish it.

"The report of the committee will also exhibit the organization of the experimental school connected with the institution, and the objects intended to be secured by it; and also the great benefits anticipated from the labors of the graduates and pupils of the Normal School in the teachers' institutes, formed and now extensively forming in the several counties of the State. These portions of the report will possess a deep interest, and will present this school, and its anticipated benefits, in very striking points of light.

"The five years, for which the laws have already provided, will give to this interesting experiment a fair trial, and the intrinsic importance of the subject, and the present promises of success, appear to me to make it the dictate of wisdom to permit the trial to be fully made.

"The capital of the Literature Fund is the same as at the close of the year 1844, and amounts to $268,990.57. The payments into the treasury on account of its revenue, during the last fiscal year, have amounted to	$27,586 88
"Add the appropriation from the United States Deposit Fund	28,000 00
"And it will make the revenue for the year ending thirtieth September last	$55,586 88
"There was a balance of the revenue of this fund in the treasury, at the close of the fiscal year 1844, of.....	19,624 38
"Making an aggregate of means for the year 1845, of.....	$75,211 26
"The payments for account of revenue for the same year, were	55,876 38
"Leaving a balance of revenue in the treasury 30th September, 1845, of	$19,334 88

"The academies of the State are under the superintending charge of the Regents of the University, and their annual report to the Legislature will exhibit the expenditures from the fund, and present the condition of those institutions.

"The amount of the deposit of the United States with this State, denominated, in the accounts, 'the United States Deposit Fund,' is		$4,014,520 71
"Of this sum, there is loaned to the counties,	$3,641,520 98	
"Invested in State stocks	1,100 00	
"Due from the General Fund	371,899 73	
		4,014,520 71

"The receipts into the treasury of revenue from this fund, during the last year, have amounted to	$280,272 55
"The payments of revenue for account of the fund, to meet the current annual charges, have been	263,848 32
"Leaving a balance of	$16,424 23

"On the 30th day of September, 1844, upon the close of the accounts of that fiscal year, a balance was due to the treasury, from this fund, for advances to meet the demands upon it, over and above the receipts of its revenue, of	$25,947 87
"Deduct the above balance of its revenues remaining in the treasury upon the close of the accounts of the last fiscal year	16,424 23
"And there will remain a balance due to the treasury, from the revenues of this fund, on the thirtieth day of September last, of	$9,523 64

"The law requires that the capital of this fund should remain invested, and that the interest only should be expended to meet the appropriations made from it.

"The whole amount of the notes of insolvent banks redeemed through the Safety Fund, since its institution in the year 1829, is	$1,586,780 00
"In addition to these redemptions of notes, debts due from those institutions, and made by law chargeable upon the fund, have been paid to the amount of	373,722 08
	$1,960,502 08

" These heavy payments have not only exhausted the capital of the fund, but have rendered necessary an anticipation of the contributions to it, by the emission of stock in pursuance of the act, chapter 114 of the Laws of 1845, to the amount, up to the thirtieth day of September last, of....		$335,801 69
"The fund possesses means to meet this debt as follows:		
" Capital invested.....	$20,000 00	
" Balance of money in the treasury.....	38,853 05	
		58,853 05
" Thus leaving, on the thirtieth of September last, a balance of debt, charged upon the future contributions to the fund, of.....		$276,948 64

"The Mariner's Fund is constituted of moneys collected from the masters of vessels and from seamen and passengers, to defray the expenses of the Marine Hospital at New York, the quarantine establishment at that place, and other like expenses at that port. These moneys are collected and disbursed by officers appointed for that purpose, whose accounts are rendered to the Comptroller, and audited and settled at his office, and the balance only of moneys collected over and above the current expenses, are paid into the treasury, and constitute the fund as here presented.

"The capital of this fund, at the present time, is as follows:

" Money invested in State five per cent stock	$22,000 00
" Mortgage from Seamen's Friend Society, without interest...	10,000 00
" Money in the treasury under protest	31,621 75
" Balance of money in the treasury, 30th September, 1845....	25,895 72
" Making a total of.....	$89,517 47

"A question has been raised as to the constitutionality of the laws of the State imposing these assessments upon the masters and seamen of vessels and their passengers, and the money above mentioned, as being in the treasury under protest, was paid under a protest against the right of the officers of the State to demand and collect it. A suit was instituted by those officers, in the courts of the State, to recover money due under these laws. That suit is now before the Supreme Court of the United States, and it is confidently expected will be decided during the present

term of that court. The only question raised, so far as I am informed, is the constitutionality of the laws of the State, imposing the taxes. I cannot permit myself to entertain a doubt as to the decision of this question.

"After this point shall have been settled beyond further controversy, there are reasons to believe that the attention of the Legislature should be turned to the subject of the expenditures under the health laws, and to the rates of tax imposed, especially upon the sailor; and also the practicability of reducing the amount of money collected, and meeting all the necessary expenses of such an execution of those laws as the real interests of our commercial marine demand and require.

"Our penitentiary system is extending itself with our increasing population. The erection of the Clinton prison has been commenced within the last year, the effect of which has been to diminish the number of convicts remaining in the other prisons at the close of the year. Still the aggregate number of convicts in all the prisons has increased, probably in about the usual ratio.

"The number in the Auburn prison, on the thirtieth of November last, was 683, being seventy-two less than the number at the close of 1844. This diminution has been caused by the transfer to the Clinton prison of forty-four convicts, and to that prison district, for about six months in the year, of all the counties in the fifth Senate district, and permanently of the counties of Herkimer and St. Lawrence, in the fourth Senate district. The report from this prison presents a very favorable account of its condition. Eleven deaths only have taken place among the convicts for the year, and three of them have resulted from casualties, leaving but eight, a trifle more than one per cent, as the consequences of ordinary sickness. The discipline of the prison is said to be good, and to be successfully maintained, and the earnings of the convicts are shown to have exceeded the total expenditures of the prison by the sum of $9,392.04. The means of the year have met the expenditures and leave a balance on hand of $7,369.49, larger by $2,563.37 than the balance of the previous year. The expenses appear to have been reduced about $10,000 below those of the preceding year, and about $7,000 below the estimate for the last year.

"The number of convicts remaining in the Mount Pleasant prison on the thirtieth of September last was 797, less by sixty-six than the number at the close of the previous year. There were transferred from this to the Clinton prison, during the year, fifty convicts, and, for about half the year, all the counties in the third Senate district, and permanently all the counties in the fourth Senate district, excepting Herkimer and St. Lawrence, were transferred from this to the Clinton prison district, which causes have produced this diminution in the number of convicts.

"The prison for females, at Mount Pleasant, receives the female convicts from the whole State. The number remaining in that prison on the thirtieth of September last was sixty-one, being eleven less than at the close of the previous year, and showing that diminution in the number of convicts of this class. The number received during the year was nineteen; discharged by expiration of sentences, eighteen; by pardons, five, and by deaths, seven.

"The receipts and expenditures of these two prisons do not show as prosperous a condition, financially, as that exhibited from the Auburn prison. The accounts of the prison for males and for females, at Mount Pleasant, are kept together, and the aggregate expenses of the two for the year are given at $82,798.91, and the receipts from the earnings of convicts for the same period at $64,658.31, leaving a deficiency in the receipts of the year to meet the expenses of $18,140.60. This balance of expenditure has been paid by drawing from the treasury $17,800, deposited therein from the former surplus earnings of the prison, and $340.60 from a balance on hand at the close of the previous year. The expenses of the last year have been increased $18,583.88 over those of 1844, while the earnings have, by a trifle, exceeded the expenses of the previous year. Of this excess of expenditure over those reported for the last year, some $6,000 to $7,000 are said to have been payments for expenses actually made for the service of 1844, but the bills for which were presented and paid in 1845. This will show that the difference in the expenditures between these two years, as above exhibited, is, to a very considerable extent, rather apparent than real, and that no such change of the amount of actual expenses, as the figures

was,

made his escape,

and one died, leaving in the prison, on the thirtieth of September, 165. That number had been increased on the first of December to 187.

"The Law of 1844, directing the construction of a new prison in the northern counties, made a preparatory appropriation of $30,000. The act, chapter 70 of the Laws of 1845, amending the Law of 1844, made a further appropriation of $75,000 toward the construction of the prison. Of these two appropriations, amounting to $105,000, there had been drawn from the treasury, previous to the close of the last fiscal year, the sum of $60,123.57, of which $57,149.07 had been expended, and a balance of $2,974.30 remained in the hands of the agent. This left undrawn of the appropriations, $44,876.43 ; but between the first of October and the first of December, the further sum of $19,558.29 was drawn, leaving in the treasury on the last named day, $25,318.14.

"The outer wall of the main prison has been completed, and covered with a substantial slate roof for the length of 290 feet, and one block of cells, 126 in number, constructed within them. This block occupies less than half the length of the outer wall completed and covered, and it is the design of the agent, during the winter, to construct another like block of cells within these outer walls. This work is now in progress, and if completed by the spring, will finish the one-half of the main prison.

"The other buildings erected are a substantial foundry, a machine shop, a keeper's hall, and a dwelling-house for the agent and clerk, besides the temporary erections necessary to shelter and keep the convicts, and to protect the work.

"The agent states, that in quarrying stone for the building, the ore-bed has been sufficiently opened to show that it fully equals any anticipations entertained at the time of its purchase for the State.

"The health of the convicts has been remarkably good, notwithstanding their exposed condition, and the character of their employment; but two deaths having taken place up to the first of December. Less difficulty has been encountered in the government of the convicts than was apprehended, and although some few escapes have been effected, a prompt recapture has fol-

lowed, except in a single instance. The agent speaks favorably of the general conduct of the prisoners, and of their cheerful and faithful application to the labor assigned to them.

"This officer anticipates a want of means, during the next season, beyond the balance remaining of the former appropriations, but as he has presented to me no estimate, I am compelled to refer you to his annual report for the amount and objects of expenditure. I must believe that his success during the past year, will fully meet the expectations of the Legislature; and offer the best assurance which could be given, that if means be provided, the buildings required for this prison will be early completed.

"In reference to all these institutions, the annual reports of their respective managers will be so soon laid before the Legislature that I feel excused from going into minute details in regard to them.

"The report from the Bloomingdale Lunatic Asylum presents the condition of that institution in a very favorable light. Up to the sixth of December last, the number of patients admitted during the year 1845 had been 130, being twenty-two per cent beyond the admissions for the whole previous year; fifty-five per cent beyond those of 1843, and fifty-three per cent beyond those of 1842. There were 121 patients remaining in the institution, being eighteen more than the number one year previous. There had been discharged during the year ninety-six, of whom forty-nine had been cured; and the whole number of deaths had been twelve. The means for favorable treatment of the patients, and especially for moral treatment, are said to have been materially extended, very much to the advantage of the inmates of the asylum. The expenses for 1845, it is thought, will have been less than for 1844, although the number of patients has been so much increased; and the funds of the institution, including the $10,000 paid annually by the State, are represented as sufficient to meet its expenses, and gradually reduce the debt contracted for the purchase of the farm and the erection of the buildings. The accounts of the asylum are kept for the calendar year, and will be presented to the Legislature in the annual report of the governors of the New York Hospital, of which this institution is a branch.

"The State Lunatic Asylum, at Utica, continues to dispense its benefits to the extent of its present capacity. The finished building is arranged for the accommodation of about 250 patients. At the close of its fiscal year, ending on the 30th of November, 1844, the number of patients in the institution, was 260; which, on the thirtieth of November last, was increased to 285. There were admitted during the year, 293 patients, who with those remaining in the asylum at the commencement of the year, made an aggregate of 553 cases under treatment within the last year. Of these, there were discharged recovered 135; improved, seventy-eight; unimproved, thirty-four; died, twenty-one — in all, 268. This statement exhibits a condition of physical health among the patients certainly remarkable, and the report adds, that not a single death, and scarcely a case of sickness, had occurred for more than two months previous to its date, on the first of December last. The ratio of cures in the two institutions will be seen to preserve a singular equality, and to be a fraction more than fifty per cent — a degree of success in the restoration to reason of the insane mind, offering every encouragement to the friends of patients to seek the aid of these asylums, and the richest compensation to the public, for the liberal provision made for these most severely afflicted fellow-beings.

"Additional buildings were provided for at this asylum, by a law of 1844, and the sum of $60,000 was appropriated for their erection. Two wings, each 240 by thirty-eight feet, and three stories high; and two back buildings, each 130 by twenty-five feet, and two stories high, have been inclosed, and the rooms are now in a course of completion. The buildings are all of brick, and are said to be well built and well arranged; and when com pleted, are calculated to furnish accommodations for 300 additional patients. This will be, when thus finished, the largest institution of the kind in this country, and, in the opinion of the principal, it will be second to none in the excellence of its arrangements and facilities for the comfort and cure of this class of patients.

"At the close of the last fiscal year, the accounts of the asylum for general support stood as follows:

Receipts.		
"From the State treasury, for salaries of officers		$3,875 00
"From counties and towns, for the support of patients		23,547 18
"From pay patients		11,759 75
"From miscellaneous sources		53 81
		$38,235 69
Payments.		
"For salaries of officers	$3,750 00	
"For furniture	1,616 65	
"For additions, alterations and repairs	1,403 52	
"For the improvement of grounds	43 07	
"For general support, embracing all objects but those above	23,010 21	
		29,948 45
"Leaving a balance in the treasury, applicable to general support, of		$8,287 24

"About $5,500 of this balance, it is expected, will be required to meet bills due at the close of the year, but not presented and paid at the time of the report. This will leave $2,787.24 to meet current expenses up to the first of February, when the semi-annual collection of bills is made.

"Of the appropriation of $60,000, made by the act of 7th May, 1844, for the erection of the new buildings, $50,085.52 had been expended up to the first December last, about $6,000 of which was expended before the commencement of the last fiscal year. A difficulty was encountered in preparing the foundation for one of the new wings, occasioning an expense of several thousand dollars not anticipated.

"The last year has proved the inadequacy of the present supply of water for the asylum, and the badness of quality of that obtained, and the managers consider it indispensable that an additional supply and better quality should be provided. To meet this expense, and the expenses of finishing, warming and furnishing the new buildings, they estimate that they shall require about $40,000 beyond the balance of the present appropriation.

"Their annual report will give to the Legislature all the information necessary to enable its members to form safe opinions as to the further legislation required to put this important institution into healthful and successful operation upon the plan now

so nearly completed. I recommend that the necessary appropriations be made to complete and furnish the new buildings, and to provide for the whole a plentiful supply of good water.

"The New York Institution for the Blind is another public charity, alike worthy of the patronage of the State and liberally sustained by it. The report of the superintendent presents the institution in a state of high prosperity, the number of its pupils increasing, and the system of education steadily advancing. One year ago this institution was embarrassed by a considerable debt, but the liberality of the last Legislature, added to that of individuals, has enabled it, within the year, to extinguish the debt and meet its current expenses. The superintendent is of the opinion that, for the future, the income of the institution from ordinary sources will be nearly, if not entirely, sufficient to meet its regular expenditures. It is most gratifying to know that an institution, founded for so noble a charity, is relieved from the consuming exactions of debt, and is left at liberty to concentrate its whole means, and the entire energies of its managers, upon the beneficent work of shedding a flood of mental light around the physical darkness which envelopes its unfortunate inmates.

"The annual report of the managers, to be laid before you in the course of the present month, will communicate full information of the transactions of the year, and supersede the necessity of further remark upon this subject.

"The Institution for the Deaf and Dumb, in the same city, it another monument of the long continued and well directed munificence of the State, to illuminate by education the minds of those who, from the deprivation of the sense of hearing, and of the use of the organs of speech, were long supposed to be beyond the reach of mental improvement. The report of the principal presents this institution in a flourishing condition. Various improvements of the buildings and grounds have been made during the year 1845, and the number of pupils has increased to 200. Of these, 113 are males and eighty-seven females; 160 are State pupils, thirteen are supported by the supervisors of the county of New York, three by the State of New Jersey, fourteen by their friends and the remaining ten by the institution. In addition to mental instruction, some portions of

the time of the pupils, for each day, are expended in learning some useful trade or employment, which may enable them to gain a livelihood by their own exertions, and at the same time impart needful exercise.

"The annual report of the directors to the Legislature will place these and other interesting facts before you in a full and satisfactory manner, and will give you the condition of the fiscal affairs of the institution for the past year, the accounts of which could not be made up until after the thirty-first of December, as the fiscal is the calendar year. The provision made by the last Legislature for the support of this institution, for the term of five years, supersedes any call for aid at the present time.

"I respectfully refer the Legislature to the annual report of the Adjutant-General, this day transmitted, for various important suggestions in relation to the militia laws, and especially on the subject of securing a more perfect enrollment of the men liable to perform military duty. The present system of enrollments does not include those who, though exempt from annual militia service, are not exempt in cases of insurrection and invasion. These constitute a portion of the military force of the State, as much as if they had no temporary exemptions, and should, as it appears to me, be enrolled. It is believed this is done in some, or all of the other States, and it will be seen that the interests of this State are supposed to suffer, in an important particular, by our omission to enroll them.

"The suggestions of this report upon several other subjects are considered of primary importance, and the attention of the Legislature is earnestly invited to them.

"The transactions of the State Agricultural Society, for the year 1845, will doubtless be laid before you, in the accustomed form, at an early day. The annual fair of the society was held at Utica, on the sixteenth, seventeenth and eighteenth days of September last, and the exhibition was a proud one for the agriculture of the State. My information induces the belief that it was equal to any one of the exhibitions which have preceded it, and that the deep and pervading interest of our population, agricultural, manufacturing and mechanical, in these comparisons of their various productions, and examinations of the improve-

ments made in each great branch of industry, was as fully manifested, as upon any former occasion.

"The last Legislature extended the appropriation in aid of this society, for the term of two years from May next, so that I am not aware that any legislation is desired upon this subject, during the present session. The transactions of the society, to which I have alluded, will be the most appropriate recommendation of this great and vital interest to the renewed attention of our constituents.

"Nothing has transpired during the past year to interrupt the peaceful and amicable relations existing between this State and the other States of the Union; and our internal condition, with the exception before brought to your notice, has been peaceful and prosperous in an unusual degree. The public health has been good in all parts of the State, the seasons propitious and fruitful, and the prices of the products of labor, and especially of most of our agricultural productions, have experienced an improvement over those of the last few years, most encouraging to industry in all its branches. As a whole, it is believed the year 1845 may be justly numbered among the most prosperous years in the history of the State.

"We learn from the late message of the President of the United States, that the relations of the federal government, with all the powers of the earth, are also peaceful. Considerable sensation has been experienced, at various periods during the past year, from the prospect of an interruption of those relations with the Republic of Mexico; but as that government has concluded to re-establish the diplomatic intercourse between the two countries, which had been suspended by its action, and as the measure which induced that suspension has progressed so far as to leave no doubt of its final consummation, the reasonable presumption is that all differences will be amicably adjusted, and the peace of the two nations continue unbroken.

"As a declaration of the policy of the present administration of the federal government, the message of the President appears to me to justify the confidence entertained by the country in the publicly avowed principles of the man, and to realize the expectations naturally excited by his elevation to the high trust he

holds. The re-establishment of the independent treasury was confidently anticipated as a result of his election, and that great measure could not have been more distinctly or strongly recommended to Congress than it is in this message. The principles put forth as those which should govern an adjustment of the laws for the collection of our revenue from the customs, are also those the country had a right to expect from his public declarations upon that subject. They appear to me to be substantially the principles upon which alone a tariff of duties upon imports can be adjusted, which will have a promise of permanency, or which will give reasonable satisfaction to the different sections of our widely extended country, and to all the various interests to be affected.

"The topic in the message of most engrossing interest, and of paramount importance, is the frank and clear statement of the condition of the negotiations between us and Great Britain, touching the claims of the two countries to the territory of Oregon. It is not, of course, my design, as it is not my province, to discuss this great question; but I feel it to be due to the subject and the occasion to say, that I am satisfied the proposition made by the President to the British minister, as a compromise, to establish the forty-ninth degree of latitude as the line of territory between the two powers, and to make free to Great Britain such ports as she may select on the coast of Vancouver's Island south of that latitude, was the most liberal concession which the judgment of the people of this State, or of this country, would have justified.

"It was due to the amicable manner in which this question has been treated by the respective parties, ever since the close of the late war between them, that the negotiations should be conducted in a frank and conciliatory spirit, and that our disposition for continued peace should be manifested by a proposition of compromise, extending to the extreme limit of reasonable concession. The offer to protract the line of boundary already settled between the two powers, upon the same degree of latitude, from the Rocky mountains to the Pacific coast, would seem to be that proposition, even without peculiar and valuable commercial facilities within the boundary so proposed. Such a proposition,

with these facilities added, has been promptly declined by the British minister, and hence the inference has been drawn that the prospect of an amicable adjustment of this question is at an end. This I will not believe. I cannot convince myself that further consideration will not bring the British government to see, in this offer of the President, not only the tender of a boundary which she cannot call unjust, but a spirit of liberal and generous concession, such as should characterize negotiations between enlightened commercial States, especially upon questions of mere interest.

"Much less can I entertain the opinion that Great Britain will attempt, by war, to force us to surrender, upon the coast of the Pacific, a portion of the front, which covers interior territory held by us in conformity with solemn treaty stipulations with herself. If, however, she shall choose this alternative, rather than an amicable settlement upon terms so decidedly favorable to herself, the world will be prepared to place a proper estimate upon her desire for a continued state of peace; and the people of the United States will be ready with one mind, I trust, to stand upon our rights in this matter, and if it must be so, to meet relations which, much as they must ever deprecate, they will always prefer to injustice or dishonor.

"Whether these favorable anticipations as to the continued peace of our country are to be realized or not, can vary little the calls of public duty upon us. To exempt our people, as far as may be in our power, from the incumbrance of debt and the burden of taxation, and to secure to them the fullest measure of prosperity which unfettered industry can earn, is alike the course of wisdom in either event. In such a condition, they will be best prepared for the profitable enjoyment of peace, or to meet the scourge of war; and if our deliberations and action shall be unitedly and earnestly directed to these ends, we may reasonably hope for the continued smiles of that Almighty Power who holds the destinies of nations in His hand, and who has hitherto protected our country and her institutions against every hostile assault.

"SILAS WRIGHT.

"Albany, *6th January*, 1846."

Chapter CXXXV.

Laws of 1845 and 1846 which Governor Wright approved.

The Legislature of 1845 closed its session on the 14th of May, 1845. The number of laws passed by it at this session was small and limited, with few exceptions, to local and individual matters. Among those of general importance may be enumerated the "Act to prevent persons appearing disguised and armed," and "An act to enforce the laws and preserve order," both designed to arrest the violent proceedings of anti-renters. The latter authorized loaning State arms to protect jails, and authorizing sheriffs to employ the necessary assistance and directing the boards of supervisors to raise the means necessary for this purpose. They excited little opposition in the Legislature. The act "to provide for paying the debts of insolvent safety-fund banks," was demanded by business interests and the reputation of the State. The act relative to the "enumeration of the inhabitants of the State," calling for unusual details, met with no considerable opposition. The "Act in relation to carrying the United States mail on railroads," requiring, where the companies and the United States could not agree upon the terms of transportation, the companies to abide by the adjudication of three commissioners to be appointed by the Governor, was more satisfactory to the public than to the railroad companies. The act to "reduce the number of town officers and county expenses, and to prevent abuses in auditing town and county accounts," gave great satisfaction to property holders. The "Act recommending a convention of the people of

this State" was looked upon with much hesitation by many, as antagonistic to the pending propositions for amending the Constitution by legislative action and votes of the people. Although he signed the bill, it is understood that it did not receive the hearty sanction of the Governor. It commanded the votes of most of the whig members and a divided one of the democrats.

The "Act in relation to the construction of the New York and Erie railroad," requiring the State to relinquish its security for $3,000,000 loaned by the State to it, and receive in place thereof bonds of the company not having less than six nor more than twenty years to run, was far more gratifying to the company than to the tax-payers of the State, who were doomed to become, eventually, losers of this immense amount.

The Legislature of 1846 closed its labors of the session on the thirteenth of May, one day earlier than the previous year. The whole number of laws enacted in 1845 was 367 and only 337 in 1846, most of them relating to private rights and local or municipal interests. Among those of a general character, the following may be referred to: "An act to provide for the public printing," in which the office of State printer was abolished, and the work required to be done under special contract. Sealed proposals were to be invited by certain State officers to perform it for two years, and when accepted a written contract was to be entered into. The provisions of this act have undergone numerous changes, of but little interest to those whose business was not connected with printing. The act itself is understood to have grown out of the aspirations of competitors for the office or business of State printing.

The act apportioning the members of Assembly to the different counties, diminished the representation of some and increased it in others. St. Lawrence county became entitled to three, which was a fulfillment of the Governor's prediction made in 1826, when an effort was

made to divide it and make two small counties instead of becoming a large influential one.

Heretofore the old common law remedy of distress for rent existed in the State. At this session, with the hearty assent of the Governor, an act was passed in pursuance of the recommendation contained in the Governor's message, "to abolish distress for rent." In conformity with his recommendation on the subject, joint resolutions were passed recommending the Senators and members from the State, in Congress, to use their influence to secure the passage of a law regulating the pilot system in a more suitable and advantageous manner, or to allow the States respectively to do the same.

Joint resolutions were also passed instructing the Senators from the State, and requesting its members, "to further the immediate passage of a law providing for reorganizing, arming and disciplining the militia of the United States in such a manner as shall be most likely to establish and sustain an efficient militia." A classification, with reference to age, was recommended, and also "that the citizen soldier should receive a fair compensation for his time and expenses in attending the drills and inspections of the militia."

These resolutions were responsive to a recommendation contained in the Governor's message, in which he refers with approbation to the suggestions in the report made by Thomas Farrington, Adjutant-General of the State, to the Governor, and by him transmitted to the Legislature.

The Legislature, at this session, complimented the Governor by conferring the name of "Wright" upon one of two towns erected from the towns of Schoharie, in the county of that name. This was done at the special instance of those residing within its borders, who were his admirers and ardent supporters, and who desired to give expression to their good wishes in a permanent manner. The other town then erected received the name of

a village within it, which had been conferred by Gen. William North — one of Baron Steuben's aids in the War of the Revolution, nearly half a century before — "Esperance," a French word meaning "hope."

It will not escape observation, that no great or prominent measure deeply affecting the interests of the State, received the concurrence of the Legislature at this session. It may be said there was an ominous calm, ending in numerous mysterious combinations, fatal alike to Gov. Wright and to the democratic party in the State, which, except on two occasions when Mr. Seymour was elected Governor, were in the minority for twenty-two years, mainly owing to their agency.

CHAPTER CXXXVI.

GRANTING PARDONS.

The Constitution confers upon the Governor various powers concerning the execution of the laws, and among them one authorizing the suspension or the remission of the adjudications of the judiciary in criminal cases. It declares that, "The Governor shall have power to grant reprieves and pardons after conviction, for all offenses except treason and cases of impeachment." This provision wisely prohibits pardons before conviction, and in cases of treason and impeachment. In the form conferred, the exercise of this power imposes upon the Governor labors to an extent known to but few and scarcely appreciated by any. Those seeking pardons, for themselves or others, prepare their papers with ingenuity and skill, with the view of exciting sympathy and to avoid such objections as are likely to be raised against them. They seek the aid of those supposed to have influence with the Governor, in such ways as are deemed best calculated to produce a favorable effect. Weeping mothers, wives, sisters and children are among the accessories of the drama. It is under such circumstances that the Governor commences his examination of the case presented for his consideration.

Application for pardons occur almost daily. One rule established by Gov. Marcy, for his own guidance in such cases, was strictly adhered to by Gov. Wright, to wit: "Always to grant a pardon when there had been manifest error in the conviction." This class of cases involved almost interminable labor. He never failed to examine, personally, every line of every case presented. Some

trials occupied weeks in presenting the facts to the jury.

Such cases, presented for examination, were correspondingly long. He was often days, and sometimes a week, in examining the evidence, arguments and charges of the courts, before forming his conclusions. These were humble, unseen and unknown labors, in which he investigated cases with as much care and conscientiousness as a juror does before he renders his verdict. The Constitution had imposed upon him a duty from which he would never shrink, however painful or laborious it might be. He was too just and faithful to make another the keeper of his conscience, and to devolve the labor upon him, preferring to do it himself. These labors are unknown, and not appreciated by the public. Their extent can be understood from his own declarations to the Author, that he believed he had spent, during most of his official term, full eight hours out of every twenty-four in the examination of pardon cases; his private secretary said ten. His written conclusions show how fully he understood every case which he examined, whether he granted a pardon or not.

CHAPTER CXXXVII.

NOMINATED FOR RE-ELECTION AS GOVERNOR IN 1846.

A State convention was held on the 1st day of October, 1845, at Syracuse, for nominating candidates for the offices of Governor, Lieutenant-Governor and other officers to be supported by the democracy at the next election. The expectation was universal that Gov. WRIGHT and Lieut.-Gov. Gardiner would be renominated. Chester Loomis, of Ontario, was made president of the convention, and Elijah F. Purdy of New York, W. F. Fraser of Rockland, Sylvester Nichols of Greene, James S. Whalen of Essex, Daniel Wardwell of Oswego, George Smith of Livingston, Daniel Mosley of Onondaga, and Miles P. Sampson of Genesee, were vice-presidents. Livingston Livingston of New York, William A. Beach of Saratoga, William Colville of Chautauqua and John Benedict of Lewis, were appointed secretaries.

The balloting for Governor stood as follows:

"SILAS WRIGHT, 112; Amasa J. Parker, 7; Herman J. Redfield, 6; John B. Skinner, 1."

At the request of delegates, Horatio Seymour moved that the nomination of Gov. WRIGHT be made unanimous, which was carried.

Lieut.-Gov. Gardiner was also unanimously renominated.

Robert Dennison, chairman of the Committee on Resolutions, reported a series, which were unanimously adopted, and were substantially as follows:

"1. In favor of the principles of Mr. Polk's message at the previous meeting of Congress.

"2. Approval of the course of the Senators and members of Congress from this State in relation to the Mexican war.

"3. Approves a sound system of finance.

"4. Approving the financial act of 1842, commonly called 'Michael Hoffman's act.'

"5. Recommends Jefferson's theory of opposition to uselessly loading the people with debt.

"6. Commendatory of Gov. Wright and Lieut.-Gov. Gardiner for re-election."

An address was reported and adopted, from which the following extract, relating to Gov. Wright, is taken, as speaking the sentiments of the convention and of the constituents of the delegates composing it:

"At the last gubernatorial election the political condition of the State and of the Union demanded, from the republicans of New York, an effort worthy of their cause and of themselves. A presidential election was, as was generally believed and as the result proved, to be determined by the vote of this State, and it thus became the battle ground of the Union. Our brethren, throughout the United States, united with us in anxious solicitude that in such a contest, which was to determine the policy of the government, perhaps forever, in regard to important if not vital measures, which had divided parties almost since their formation, and which was to restore, or postpone indefinitely, democratic ascendency; a leader might be selected in this State, the strength of whose public and private character would furnish to them, as well as ourselves, a certain promise of victory.

"Such a man was Silas Wright; and an almost universal public expression indicated him as the standard-bearer of the republicans of this State, in that great and decisive struggle between democracy and federalism. The Syracuse convention responded to this general desire, by putting him in nomination for Governor, and he surrendered his well-known and publicly declared disinclination to accept the office, to the ardent wishes of the friends of the cause.

"The stern fidelity with which he has upheld the financial policy that redeemed the credit and character of the State, his

fearless vindication of the majesty of the law, and, at the same time, merciful dispensation of its justice, his careful and unwearied attention to the varied and responsible duties of his office, and his integrity, ability and impartiality in their discharge, have given to New York a high rank among her sister States, and have furnished new and additional reasons to her citizens for requiring the continued services of her distinguished chief magistrate.

"The increased and singular unanimity in his favor, manifested by the convention which nominated Silas Wright, is an honest reflection of the democratic will, and a well-earned tribute to the fairness, prudence, wisdom and ability with which the just expectations of the democrats of the State have been met, and fulfilled; and we again, with unhesitating confidence, commit him to the hands of the people whose pleasure and pride it ever has been to cherish, defend, and sustain him."

The nominations, resolutions and address received the approval of democratic conventions in every county in the State. To the common observer all appeared well, and the success of the ticket was doubted by few of either party. Gov. Wright, however, did not fail to observe the threatening aspect of the elements of opposition which were being combined against him. He understood those who managed them and correctly calculated the consequences. Although he said and wrote encouragingly to others, he felt a deep conviction that the democracy were to suffer a defeat, and that he should fall with them.

Chapter CXXXVIII.

Causes of the Defeat in 1846

The election in New York in 1846, presents anomalies of no easy solution without an exceedingly close scrutiny of the political field. At the end of twenty-six years this is not easily made. It involves both State and national politics. Mr. Polk was at the head of the federal government, and, at the outset, not without hopes of re-election. Mr. Dallas was Vice-President and required no compulsion to accept the presidency. Mr. Buchanan was at the head of the State department, with friends who deemed him the most suitable person to succeed Mr. Polk. Robert J. Walker was in charge of the all-powerful Treasury department with its unlimited patronage, and had, at least, his own consent to undertake the duties of President. At the head of the War department was the experienced William L. Marcy, both talented and energetic, deeply skilled in the ways of New York politicians, with their mysterious tactics, which were such puzzles to outsiders and to not a few in the State, with numerous friends favoring his elevation. The remaining members of the cabinet might have accepted the presidency rather than to have "the office fall through." Of these Cave Johnson, Postmaster-General, was a real friend of Gov. Wright and enjoyed his unlimited confidence. Gen. Cass and a host of other democrats had an eye upon the presidency.

Public attention had been clearly turned to Gov. Wright as a candidate. The papers in various localities north, south, east and west, had presented his name for that office with flattering remarks in favor of his talents

and experience, prudence and unselfishness. The indications were highly favorable to his nomination in 1848, which naturally led to a common effort among expectants to throw a shadow upon his prospects, which it was thought could readily be done by defeating his re-election, and thereby showing that his own State had lost confidence in him. From these sources a multitude of engines, though often unseen, were brought to bear against him, and with more or less effect. The patronage of the federal government was, to a great extent, so disposed of as to create the belief that Mr. Wright did not enjoy the confidence and support of Mr. Polk's administration. Many honest democrats were induced to believe that they were serving the cause of democracy by opposing Gov. Wright and his administration. Before Mr. Polk was aware of what was being done by those holding official stations under him, including a portion of his cabinet and numerous subordinates, much had been accomplished toward defeating Gov. Wright's re-election and to overthrow the democracy in the State.

The Author had frequently called the attention of Mr. Polk to the course of certain members of his cabinet and persons holding his commissions, but he thought his over-excited feelings of attachment to Gov. Wright had unduly magnified his fears. He relied upon the oft-repeated allegations of the members of his cabinet of strong friendship for him and professions of anxiety for his re-election, which others knew, with several of them, were utterly untrue. It was not until after the mischief had been done past remedy, that Mr. Polk became convinced that Gov. Wright's election was endangered by the acts of his own administration.

Mr. Polk did all in his power to counteract what had been done. But it was too late. The mischief had accomplished its objects and they could not be changed. A knowledge of his wishes could not be communicated

to every democratic voter in the State, nor could those who had done the mischief be made to "right about face," even at the command of the President, whatever professions they might make. The rank and file of the democracy, who had been misled by active mischievous leaders, could have no one to guide them in the true path of duty. Nothing could be then done effectually to dispel the mistaken impression, entertained by very many, that the defeat of Gov. Wright would be acceptable to Mr. Polk, and the best of evidence of supporting his administration which a voter could furnish.

In the State there were other causes. On great national issues, like the Bank of the United States, the exercise of constructive powers by Congress, the exclusive exercise of all the powers by the States not ceded by them to the federal government, the true policy in the management of our foreign affairs, and many less important questions, the democratic party were a unit and acted in harmony. In the formation of the Constitution of 1821, and many questions arising under it, there was great unanimity. But on questions of policy, and especially those involving currency and finances, there had been marked and growing differences for full twenty years. There were not a few among them who, if they did not so express it in words, acted upon the principle that the legislative power of the State ought so to be exercised as to confer wealth without resorting to the laborious process of earning it by hard toil and wearying industry. This class, though not numerous, was talented, skillful, bold and frequently unscrupulous, and often contrived to hold the balance of power between the true democrats and their adversaries in certain localities. Although, in the main, those composing it were patriotic, useful and enterprising citizens, they seldom resisted the temptation of using the power of the State to promote their pecuniary or personal advancement.

In the chartering of banks, they saw profit in the rise of the stock, sundry bank offices, and the means of controling business over those having no capital, and not able to command bank favors.

In the construction of canals, which would not pay the interest on their cost and their repairs, without any hope of their ever paying the principal, they saw jobs in the construction and the rapid advancement of the price of real estate along the lines, purchased probably with the expectation that the legislative powers of the State would be so exercised, as to secure them profitable speculations.

In the creation of State debts they saw large profits in the advance in the price of State stocks, and increased business in buying and selling them. Not a few, probably, looked forward to a time when the State would be unable to meet its engagements — which occurred in 1841, the securities of the State then selling at twenty-two per cent below par — when its creditors could make profitable terms of extension. Money was clearly to be made from the business which would spring out of the use of the sums borrowed, however applied.

In special legislation they saw advantages equal, and usually superior, to those flowing from legitimate private business and well-directed industry.

Mr. Wright's well-matured views and long cherished principles of State policy were the reverse of these. While in the State Senate he resisted all perversion of legislative power to any such purposes. He adhered to his cherished views while Comptroller, and had reiterated them in his annual messages and particularly in his veto of the canal bill of the previous year. His views on these subjects were about as well known as his name. They were perfectly understood and fully indorsed by the convention when he was nominated for re-election. The resolutions approving a sound system of finance, and the financial debt-paying and anti-debt-contracting system of

the act of 1842, and Mr. Jefferson's anti-debt policy expressly approved by the convention, covered the whole ground.

At this same election the amended Constitution, which fully embodied Gov. Wright's views on these subjects, intrenching them in the fundamental law of the State instead of leaving them to be blown about by the wind of legislation, was submitted to the electors for adoption or rejection, and was adopted by about 130,000 majority. This presents the extraordinary anomaly of the adoption of great principles of State policy, by this immense majority of the voters of the State, when the most able and faithful representative of them, and by whom they were first developed and embodied, and against whom not the first whisper of personal objection was heard, and who two years before had been elected by 10,033 majority, was defeated by 11,572. *There is no avoiding the conclusion that this was the work of treachery by a portion of those calling themselves "conservative democrats."*

The facts upon which this assertion rests were fully developed by a masterly hand in a series of articles published, at the time, in the Albany Atlas, the truth of which, so far as is known, was never authoritatively denied. In these the origin and history of the *conservative party* are distinctly and clearly traced. The acts and purposes of individuals of that party are developed without hesitation or reserve. The extended extracts given, has carried conviction to the mind of the Author, and will probably produce the same effect upon all who read and reflect upon them.

"In May, 1837, all the banks of this State, and nearly of the whole Union, suspended specie payments. Some $8,000,000 of the moneys of the United States were then on deposit with the State banks, and the laws of Congress prohibited, in express terms, the receiving or paying out, in the business of the United States, the notes of any bank which were not payable, and *paid*,

on demand, in gold and silver. The treasury of the country was literally locked up by this movement of the deposit banks and an extraordinary call of Congress was forced upon the President, to enable him to carry on the government. Mr. Van Buren was then the President, having been inaugurated on the fourth of March previous. Mr. Wright was a member of the Senate, and the chairman of the Committee on Finance of that body. It was his duty to turn his earnest attention to the posture of affairs. He had been one of the most active and determined in getting rid of a national bank, as the depository of the national treasure; and then his confidence in the State banks had induced him to favor the transfer of that trust to those institutions. Now, they had proved wholly unsafe, if not unfaithful, and the question addressed itself to him in an especial manner, — what should be done?

"He at once saw that nothing could be done but to make the national treasury its own depository, and to render it wholly independent of all banks. These views were freely declared by him before the meeting of Congress, at the special session.

"At that meeting, in September, 1837, President Van Buren transmitted to Congress his memorable message, recommending the independent treasury. Mr. Wright, as the chairman of the Committee on Finance of the Senate, reported the bill to carry this recommendation into effect, and advocated its passage with all the ability he could command. With material modifications in some particulars, the bill passed the Senate, some of the democratic members, and among them Mr. Wright's colleague, making every possible opposition to it.

"In the House of Representatives a sufficient number of the democrats joined the whigs to prevent the passage of the bill there, and it did not then become a law. Among the dissenting democratic members of the House, some five or six were from this State, out of about thirty democratic members then in the delegation.

"Here commenced the *conservative party* proper in this State, and Mr. Senator Tallmadge was its head and leader. Its members were the active, leading and influential members of the bank and internal improvement combination before spoken of,

and its power was the power of the suspended banks over a deeply indebted community. These institutions held in their hands the pecuniary fortunes of many men high in power and influence in the State, and many of the conductors of the press; but no manifestations of political movements were made to alarm the democracy, and that party entered upon the legislative elections of the fall of 1837, with the ordinary confidence of a success. The result was more like a rout than a defeat, and showed that treachery had been sowing its seeds broadcast over the State.

"When the work was done, and the triumph achieved, a few, a very few, followed their leader, Tallmadge, forth into the light, joined hands with the whigs and boasted of their treason. With this limited exception, while all could see that the votes had been given, which had prostrated the democratic party of the State, no one appeared to tell who had given them, or whence had come the fatal blow. Even men and presses more than suspected of strong opposition to the independent treasury, assumed to be surprised, astounded, defeated. Indeed, it is believed that the members of the House of Representatives from the State, who had voted against that measure, with perhaps a single exception, were among the number last mentioned.

"In the years 1838 and 1839, the whole power of the State passed into the hands of the whig party. This brought in a policy, which literally surfeited the peculiar appetites of the internal improvement and bank democrats. 'The more speedy impulse' was given to the public expenditures, and State stocks were thrown upon the market in such profusion, as, in less than three years, to break down the credit of the State, in the manner described in our last article. A new system of banking was instituted, upon a show of perfect security to the public; and banks were manufactured under it with the facility of earthen vessels in a pottery, and after a very short working of the system, these banks broke with the rapidity and ease of these same earthen vessels.

"Then the sound democracy again became strong, and in the fall of 1841 the whigs lost the Legislature, and in the fall of 1842 the entire power of the State. The new banking system had, in

the mean time, effectually married together the internal improvement and bank interests in the democratic party, which had previously combined for mutual protection. This system, with its improvements, had made the stocks of the State necessary for banking capital, and the emission of those stocks was the life of the internal improvement party. The whigs, however, had shown that they could not do one thing, indispensable to the advancement of both these interests. They could not keep up the credit of the stocks and make them sell at par in the market. They could beat the democratic party in issuing the stocks, but not in selling them, and it had become indispensable to call the latter back to power for this single purpose. The credit of the State must be raised up, and the public confidence restored, and none but the old reliable democracy could accomplish these objects.

"It was very plain, however, even before the political revolution was effected, that the power of the democracy was restored, so far as this conservative party was concerned, only for these objects, and that it was not designed to substitute a debt-paying policy, for one of public expenditure, or to remodel the defective banking systems upon a basis of liability to the banker and security to the public.

"The democratic Legislature of 1842, however, and the democrats themselves in their counties, had spoken into existence the debt-paying law of 1842, and had presented 'the people's resolution' to the freemen of the State, as a constitutional principle. The law of 1842 was nominally assented to, but sought to be repealed by construction, and the identical line which had marked the distinction between the democratic and conservative press marked the discussions upon 'the people's resolution.' Attempts to incorporate the principle of the resolution into the Constitution, in the mode pointed out in that instrument, met exactly the opposition from the conservative members of the Legislature necessary to defeat it, while, when the whig strength was sufficient to accomplish that object, it frequently received conservative votes. The principle that the people themselves should be permitted to say when money should be borrowed upon their credit to make a canal or railroad, was one too hard for a party claiming to be

democratic to resist, and yet it was declared to be destructive to the conservative policy to adopt it.

"Failing in every attempt, throughout the administration of Gov. Bouck, to incorporate this great principle into the Constitution by the aid of the Legislature, a vote of two-thirds of the members of the respective Houses being required, the democracy, at the commencement of the administration of Gov. Wright resolved upon a convention of delegates of the people for that purpose, and the Legislature of 1845 passed a law submitting the call of a convention to the people.

"So distinctly and repeatedly had this system of debt and expenditure, and of irresponsible and insecure banking, been condemned by the popular vote of the State, that even the whigs dare not take issue upon these questions, and when Gov. Wright's veto of the canal bill was transmitted to the Legislature, the organ of the whig party, the editor of The Evening Journal, boasted that he had got his veto out first, he having published in The Journal of the same afternoon, a severe article against the bill and its authors. The whigs in the Legislature did not oppose the call of a convention, although the conservatives in both branches made organized and determined opposition to it.

"This bill having passed, predictions began to be confidently made by the leading conservatives that the whigs would carry the Legislature at the fall elections of that year. Those elections came on, and the democracy carried the State strongly, nearly all the counties where the conservatives held the strongest influence having elected whig members to the Assembly. Still there proved to be about a dozen conservatives among the democratic members elected, several of whom were elected from counties where conservatism, known and avowed, would have been fatal to any candidate, they having been believed to be democrats, sound in principle, by those whose votes elected them.

"The people of the State, at the same election, by an overwhelming vote, pronounced their verdict in favor of a convention, and by necessary consequence, in favor of the principle of 'the people's resolution,' and the financial and banking reforms advocated by the democracy.

"The Senate had been for years the body for the possession

and control of which this conservative faction had struggled the most desperately, and by the exertions made from the central points of the conservative organization to influence the nominations of the several Senate districts, and the delusive pretensions and false pledges of the candidates urged by them, coupled with the long terms of Senators, they had been able to concentrate more strength in this body than at any other point. For several years, the same individual who led the bolters from this State against the independent treasury bill, in the House of Representatives, in the year 1837, led this party in the Senate; and upon his retirement from that body, at the close of the year 1844, several other congenial spirits, thoroughly educated in his school of political tactics and morals, were left behind to take charge of the interests of this selfish party.

"Previous to this period the conservative party of 1837 had undergone material transformations, although several of its most prominent original members — the Senator referred to, and his immediate associates, in his county, being conspicuous among them — remained at its head. The great mass of the honest democrats, deluded in 1837 and 1840 by the bugbear stories about the independent treasury, had become convinced of the selfish objects of this faction, and had returned to the support of the sound democracy; the banks, as a body, had withdrawn from the political arena, finding it more for their interest and safety to attend to their legitimate business; the army of bankrupts, created by the speculations of the period from 1834 to 1840, had improved the opportunity presented by the law of Congress to discharge themselves from their debts, and had returned to some business pursuits for their support. These secessions had left but the skeleton of the original conservative party of 1837, the officers mostly without the men. The corps of office-seekers, and disappointed office-holders and the speculators, who had not become absolutely bankrupt, and were holding on to their corner lots and fancy stocks, and waiting and hoping for another inflation of the speculating bubble, remained. Now and then an individual bank, under the management of members of this party, and more rich in speculative than in sound convertible means, continued its connection with the party, and its officers

were seen to be active in proportion to the external pressure upon the bank for the payment of its liabilities.

"The body of canal contractors, arrested in their work by the failure of the credit and means of the State under the whig administration of Gov. Seward, became clamorous for indemnity for losses upon contracts, which, until their execution was arrested, they represented as hard and severe in their terms and exactions. Being thus arrested, they had become contracts unprecedently profitable, and these profits upon the unfinished work was the indemnity sought. They were, by the Legislature of 1843, turned over to the Canal Board for a settlement of their claims. That board heard their proofs, and made them allowances to the amount of $425,434.19 as net profits upon $2,567,251.96 worth of work remaining to be done, at the contract prices. The claims for indemnity were $1,218,675.19, equal to forty-seven and one-half per cent, and so far from satisfying the claimants, the allowances made only seemed to sharpen their appetites for still further profits upon this work, upon which they had not struck a blow, or expended a cent, and they appealed to the Legislature for additional allowance.

"The whigs and conservatives, as bodies of men, were found to favor these additional claims, and, as a natural consequence, those claimants who were democrats to a very great extent, always, however, with honorable exceptions, attached themselves to the conservative portion of their party. This was an accession most material and acceptable to the conservatives, as it brought privates as well as officers to their ranks, in the men who desired work upon the contracts. Attacks upon the Canal Board became common to this party thus strengthened. Not the claims merely, but the offices upon the canals also, were the inducements to this warfare. The claimants wanted more money from the State, and the conservative leaders wanted the offices for themselves and their adherents, and the influence of them for their party. Some of these contractors obtained elections to the Senate, and others to the Assembly, as democrats, and the Legislature of 1845, that Legislature which forced the veto of the canal bill upon Gov. Wright, presented in the two Houses several of this number, some of whom at least in person advocated bills for their private

and personal benefit; and all urged the mass of claims in every form, and upon every occasion, where an opportunity was presented; and pressed by their influence and votes the reopening of the whole system of public expenditures, with the same zeal which characterized their efforts in favor of the canal claims.

"This course on the part of the conservative party, and this combination of it, could not fail to bring to its aid all these influences in favor of the unfinished canals, and the appropriations for railroads, and other local expenditures of a kindred character, which claimed to be democratic, but were ready to bend their democracy to the accomplishment of their favorite objects, of personal and local interest. In this way another accession of privates as well as officers was made to this selfish party, the extent of which we have endeavored to exhibit in our last article.

"The assaults of the combination continued to be directed against the Canal Board, until after the close of the session of the Legislature of 1846, and were but incidentally and disguisedly turned upon Gov. Wright, though the hostility to him of the authors of the attacks upon the Canal Board was as perceptible to every reflecting man, as if he had been named with those expressly assailed. The Canal Board was composed of the Lieutenant-Governor and the four Canal Commissioners elected by the people upon the same ticket which elected Gov. Wright, and of the Secretary of State, Comptroller, Treasurer, Attorney-General and Surveyor-General, appointed by the Legislature. The most of these men were democrats, who had long enjoyed the confidence of the democracy of the State — men of tried and approved fidelity as public officers, and known to entertain sound views and principles touching the financial policy of the State. The morality of the attacks upon this board, touching the canal claims, we are happy to know will be made manifest to the public, when a committee of the present Legislature shall have reported the results of its investigations into canal abuses, which report may be looked for near the commencement of the next legislative session.

"We cannot give a perfect embodiment of this conservative party of 1846, without presenting another accession, with a brief history of its accomplishment. The Albany Argus was estab-

lished to become the party paper of the democratic party, at the seat of government, under the control of the late Jesse Buel as its editor and publisher, at a period during the late war with Great Britain. Under the conduct of Judge Buel, the paper acquired the confidence of that party, and a general circulation in the hands of its members throughout the State. Its present principal editor, Edwin Croswell, under the patronage and by the pecuniary aid of some of the prominent republicans of the State, became connected with the paper in the year 1823, as joint owner and editor. In 1824, the whole establishment was transferred to his name and control, and he was made sole State printer, he having been for the previous year State printer in conjunction with his coeditor, Mr. Leake. Mr. Croswell continued in this office uninterruptedly, and without any opposition from any portion of the democracy, up to the year 1840, when he was removed by the whigs to make room for Mr. Weed of The Evening Journal. Up to this time there must have been paid to him, as the proceeds of the office of State printer, at least the sum of $500,000, wholly independent of the profits of a paper of far greater and more widely extended patronage than any democratic paper in the State enjoyed. Mr. Weed held the office for three years only, and retired from it a man of fortune, and grateful to his party.

"Upon the restoration of the democracy to power, in 1842, Mr. Weed, by the law under which he had been appointed, had two years to serve. The Legislature passed a law to put an end to his term, but it met the veto of Gov. Seward, and Mr. Weed held on till 1843.

"When the appointment of State printer came on before the Legislature of 1843, it was thought by many democratic members that the principle of rotation alone should give the office to some other person, rather than to Mr. Croswell. Indeed, it was supposed in 1842, when the subject was agitated, that Mr. Croswell himself appreciated the application of this principle to his case, and that he did not intend to be himself a candidate, but was desirous to connect with his printing-office and paper, the person to be appointed.

"In addition to the principle of rotation, which was conclusive

upon democratic grounds, there was deep and wide-spread dissatisfaction with the paper, as the organ of the democratic party, and with Mr. Croswell as its editor. He had been among the first, as he was one of the most pertinacious, of the public officers of the State, in urging bank charters upon the Legislature and speculating in bank stocks. At the time of the suspension of specie payments by the banks, in 1837, he was a heavy holder of bank stocks, and a heavy borrower from the banks, and the influence of these connections was thought to be manifest in the columns of his paper. His advocacy of the independent treasury, when advocated in his columns, was always neutralized by communications from other pens in opposition to it. So perfectly was this understood to be the character of the paper, at about this period, as to induce a leading and active conservative, then and now one of Mr. Croswell's strongest adherents, to say, when accused by a friend of having been in error politically upon this very subject, that he must then have read *the wrong column* of The Argus, for he always went by The Argus.

"Mr. Croswell was reported, at that time, and has been from that time to the present, to be deeply engrossed in speculations generally; and the complaint was that these pecuniary interests, and not The Argus or the affairs of the democratic party, commanded his attention and his time.

"Still, when the choice of a State printer came on, in 1843, Mr. Croswell was a candidate, entering the lists with the whole conservative party, and all its combined influences organized in his support, and the whole influence of the administration of Gov. Bouck, to back the conservative effort. Neither personal feeling nor political obligation, was permitted to stand in the way of his eager pursuit of this office which he had held for seventeen years consecutively, and which had paid him $500,000. He was successful, thus aided, in obtaining the legislative caucus nomination over William C. Bryant, the sound democrat and able editor of the New York Evening Post, and there all resistance to his appointment ceased. From that moment, however, he became part and parcel of the conservative party; its organ as an editor, and its leader as a politician. From 1837 to that time he had stood in a doubtful position, speaking one language and acting

another, 'looking one way and rowing the other,' as the adage is; but now his eye and his movement took the same direction, and the assertion of Mr. Senator Tallmadge, that in his course in 1837 he had acted in consonance with the real feelings of the editor of The Argus, began to be verified by the acts of the editor himself.

"This conservative party, thus bound together exclusively by selfish interests, and seeking only personal advancement and personal gain, we have already said was *the cause* of the defeat of Gov. Wright, and of the democratic party in this State, at the late election. In a future article, we propose to bring the history up to the election; to show that this party, through its leaders, has combined the elements of opposition, stimulated them to their work, directed their efforts, and aided them by the votes of its members.

"Our last article brought the history of the conservative party up to the legislative session of 1843, covering its complete formation by the open and declared accession of the Albany Argus and its editor. From that time until the nomination of Governor, in the fall of 1844, very little occurred to change the relation of this combination toward the great body of the democratic party.

"The nomination of Gov. Wright to succeed Gov. Bouck was resisted by this party, to the last moment, by every effort and influence in its power; but being nominated, his election, so far as we know, was fairly supported.

"The transactions of the Legislature of 1845, touching the passage of the canal bill and the veto thereon, have been noticed in a former article. Upon the subject of appointments to office there was much controversy, and two tried and approved democrats, selected and appointed to State offices by the sound Legislature of 1842, were removed from office. One of them the people returned to the Senate in the fall of the same year, and the other the Legislature of 1846 put back into the place from whence he had been thus removed. The canal bill consummated the efforts of the combination, and the veto of Gov. Wright tendered an issue which it did not dare to meet, and did not meet in a fair and manly manner.

"As soon as it was ascertained by the fall elections of 1845

that the democracy had carried the Legislature, and that the people had determined to call a convention to revise the Constitution, the desperation of the faction appeared to increase. The Legislature had scarcely assembled, when The Argus commenced its open assaults upon prominent democrats in and out of office; making the Canal Board the object of its daily vituperation, sparing the Governor by name, but aiming every arrow at him through the sides of some sound democrat and faithful supporter.

"In this course The Argus was backed by certain prominent and leading conservative Senators, who spent days and weeks, regardless of the public business and of the people's money, in pouring out abuse upon some of the most estimable and influential democrats of the State.

"Simultaneously with these proceedings commenced the predictions, on the part of the conservative leaders, that Gov. Wright, if nominated could not be re-elected. Persons known to be hostile to him and to his measures, and who were in the daily habit of traducing both, were urged upon him for appointments to office, and their non-appointment was made the foundation for denouncing him.

"Mr. Croswell's term of office as State printer expired during the session of 1846, and, at the usual time, the democratic members of the Legislature met in caucus and nominated one of the editors of this paper* to fill the place. Immediately the whigs and conservatives, under the lead of Mr. Croswell, united to resist an appointment; became deeply imbued with the spirit of reform; saw great abuses in the prices which had been paid to the State printer, and proposed to abolish the office. This was very suspicious upon its face, but the movement was declaredly for reform and succeeded. It was then ascertained that Mr. Croswell's receipts from the office had been $522,055.47, which certainly indicated flagrant abuses, and authorized the presumption that he must be perfectly acquainted with their existence and extent. Pretending deep gratitude for these enormous bounties, Mr. Croswell contracted to print gratuitously all notices required by law to be published in the State paper for the succeeding two years. A bill, however, was shortly after introduced by a con-

*The Atlas.

servative Senator, and passed through the Senate, and but for the vigilance of a democratic member of the House would have passed that body, the design and effect of which was to relieve Mr. Croswell wholly from a portion of his contract, and to secure to him his old and full prices for the residue. This was a piece of legislative jugglery which few men would have asked a friend to attempt, and which few men would have attempted under any solicitation. Once detected and exposed, it was of course abandoned.

"There is another amusing feature in this matter. One of the great points of the reform was to be the utter abolition of the office of State printer, and one of the sections of the law passed is in these words: 'The office of State printer is hereby abolished.'

"Upon this text, during the winter, Mr. Croswell preached columns to his readers of patriotic gratification at the great reform which the coalition of the conservatives and whigs had achieved, flourished forth in every form of typographical display; and lo! now, every day, The Argus goes forth to its readers, with the imposing sign at its head, '*E. Croswell, State Printer.*'

"Being thus compelled, however, to agree, and find sureties, to do for nothing, what he had, for about eighteen years, received an average of from $6,000 to $8,000 per year for doing, and which must be done at an annual expense of some $1,000 or $1,200, his malevolence against the democratic party in general, and Gov. Wright in particular, became perfectly overpowering.

"The elections for the convention to amend the Constitution came on in April, and the moment a prominent democrat was nominated, in any of the counties, he met the sneers, the contumely, or the open opposition of The Argus, and the secret thrusts, or direct resistance, of the conservative party.

"Witness Col. Young in Chemung, Mr. Perkins in St. Lawrence, Mr. Campbell in Steuben, Mr. Hoffman in Herkimer, Mr. Stetson in Clinton, and Mr. Cambreleng in Suffolk, not to name other cases. The democracy, however, carried the convention, despite the combined resistance of the conservatives and the whigs. Immediately commenced the canvass for the organization of the convention, and at first Gov. Bouck was to be the president. A very little inquiry showed that such a movement

would meet with signal defeat. Then Mr. Justice Nelson was the candidate, but this was found to be even worse, and then conciliation and harmony became the tone and language of the conservatives. The democracy moved steadily on, however, and placed John Tracy, of Chenango, in the president's chair.

"This seemed to cut away the last hope of the faction. The principle of 'the people's resolution,' and the financial policy of 1842 would become matters of constitutional law, in spite of the efforts of The Argus and its party, and the people would be secured against taxation for profligate expenditure, the losses by broken banks, and the tricks of fraudulent bankers, in defiance of the ten years' labors of conservatism.

"The batteries were, at once, opened upon Gov. Wright. The Utica Observer led off; The Argus hesitated and faltered for a time, and finally fell in, and quite a number of the conservative journals of the State joined the cry. This forced on a canvass for the State nominating convention altogether prematurely, and certainly gave to the conservatives full time and opportunity to exert their influence. That body met on the first day of October, and, upon the first ballot, Gov. Wright received 112 votes to fourteen for all others. Never, in the history of the State, had an expression of the democratic party been made so unanimously, when there was the form of a contest as to the selection of a candidate for the office of Governor. Mr. Wright received ninety-five votes out of 125 upon his first nomination, a unanimity truly remarkable when there was a division of opinion in the party. Having discharged the duties of the office for two years, he received 112 votes out of 126 for a renomination, and that, when the same division had been studiously kept up for the whole two years.

"The constitutional convention passed on and closed its labors, having incorporated into the Constitution financial guards and securities, far beyond those contained in the law of 1842; covering, and more than covering, every principle contended for in Gov. Wright's veto message; and having ingrafted, in addition, to the full extent, the principle of 'the people's resolution.' This Constitution, upon its final passage, received the affirmative vote of 104 out of 110 members of the convention present.

"The final issue was now reached. Of the adoption of the Constitution by the people no doubt could be entertained, and if the administration of the government, at the time it must be put in operation, should be committed to the hands of Gov. Wright and the sound democracy, farewell to the policy upon which the conservative party depends. Mr. Wright must be beaten, and the power of the State thrown into the hands of the whigs, as the last hope of a desperate faction. The game of 1837, and of 1838, must be played over; but as the elements of power which could then be wielded by the conservative party had become greatly circumscribed, new elements of disaffection must be sought and made available.

"What remained of the canal feeling was ready and marshaled. The force which could be kept alive of the canal contractors and claimants had been constantly nursed with care, and could be depended upon to move at the signal. The independent treasury, that old and unpardonable offense of Mr. Van Buren, had been revived by the present Congress, and the prejudices against it and its authors must be again excited. The tariff had been modified, and democrats connected with the woolen and iron interests must be alarmed for the effect upon their pockets of the modified law. The whigs must be aroused and stimulated to organization and action, and encouraged with the hope of efficient aid and final success. Yet all these appliances might not be sufficient to render the object safe and certain.

"The anti-rent excitement was at hand, and must be brought into co-operation. The whigs had done all in their power to bring it to their aid, but as yet without success. It prevailed mostly in democratic towns and counties, and was fearful of committing itself to the hands of federalism. A division of the two State tickets must be proposed to this party, to conciliate the democratic portion, and Mr. Young must be made to promise to pardon the anti-rent prisoners, a step to obtain votes which it was known Gov. Wright could not be made to take.

"These, we verily believe, were the conservative deliberations at this period, and these the grounds upon which the party proceeded to carry out this object of its treachery to the democracy and its coalition with the whigs.

"We shall be called upon for the evidences of our belief. It is our object to give them.

"The history of the course of this conservative party toward Gov. Wright and his administration, from the day of his taking office, in January, 1845, to that of his renomination, in October, 1846, has been sufficiently adverted to, and it will not fail to show the reader, at every step, demonstrative evidences of hostile feelings and intentions on the part of the prominent leaders.

"Two county conventions of conservatives were held before the democratic State convention, the one in this and the other in Oneida county, and the proceedings were violently denunciatory and acrimonious, and breathed nothing but irreconcilable hostility. The senior editor of The Argus was a part, and the principal part, of that convention in this county, and the proceedings of the convention were published in the columns of that paper with marked approbation.

"The first article in The Argus announcing the renomination of Gov. Wright bore a friendly aspect, and was well calculated to lull the suspicions of the democracy of the State as to hostility and opposition from that quarter; but not another article which could be fairly called friendly to the nominee appeared in the paper, up to the day of election. On the contrary, every effort to bring together the two divisions of the democratic party in this county was uniformly and pertinaciously resisted by Mr. Croswell to the last, and the names of the democratic candidates for the Senate and for Congress never appeared at the head of that paper, although the regularly organized democratic party of the county had yielded every other candidate than member of Congress, upon the county ticket, to the conservative selection, for the sake of restoring harmony to the party, if possible. So, when it was announced that the two divisions of the party in Oneida county had reconciled their differences, The Argus at once published a letter, purporting to be from a correspondent in that county, declaring in the strongest and most unequivocal terms that the reconciliation was not to apply to the State ticket; and The Evening Journal simultaneously made the same announcement in language equally distinct and confident.

"We have heard it reported, coming second-hand to us, but

through a most credible channel, that a member of a whig committee in a northern county produced and read to his committee a letter from Mr. Croswell, giving the assurance that no reconciliation had been effected or could be effected, as to the State ticket, in Oneida county.

"It is reported, upon the authority of a person intimately connected with one of the papers, that the editors of the Albany Argus and the Albany Evening Journal were, for days and weeks before the election, in frequent confidential intercourse, and that the former communicated to the latter all such information as would enable him, as the principal whig leader at the center of the State, to take advantage of the democracy in the contest; telling him where troubles and disaffections in the democratic ranks existed or might be excited, and especially where the purse of the whig party might be beneficially applied.

"All the conservative leaders here, the principal political associates of the editor of The Argus, constantly and confidently predicted the defeat of Gov. Wright, while the most prominent of those under their influence openly declared their hostility to him, and their determination to oppose him. Many of this latter class, with some of the leaders, were open in their exultations after that defeat was known to have been accomplished.

"Spurious tickets to deceive and cheat the voters were got up and circulated by members of the conservative party in many counties where that organization is most perfect, and in this county two editions of such a ticket appeared at the polls, displaying more ingenuity in political fraud than has ever before met our notice. We can give a *fac simile* of this ticket in much shorter space than we can otherwise describe it to the understanding of our readers. It is as follows, with only the addition by us of the hand, to point to the principal fraud:

☞ *For Senator,*
SILAS WRIGHT.

For Lieutenant-Governor,
ADDISON GARDINER.

For Canal Commissioners,
CHARLES COOK,
THOMAS CLOWES.

For Congress,
JOHN I. SLINGERLAND.

For Sheriff,
ANDREW VANDERHEYDEN.

For Clerk,
LAWRENCE VAN DUZEN.

For Assembly,
BARENT P. STAATS,
ROBERT D. WATSON,
JOHN J. GALLUP,
JOHN FULLER.

For Coroners,
JOHN OSBORN,
WILLIAM H. KEARNEY,
☞ FOR GOVERNOR,
JOHN YOUNG.

"The words '*For Senator*' over the name of Gov. Wright, put in a blind type as seen above, would not strike the notice of the unguarded voter, while the words 'For Governor, John Young,' in the type and placed in the position of the names of coroners, would be equally unnoticed. It will be further remarked that the ticket has the names of the whig Canal Commissioners and member of Congress. These tickets are now known to have been got up and procured to be printed by a very active conservative of this city, a man intimate with and almost exclusively under the influence, politically, of Mr. Croswell. They were circulated principally, as far as the canvass shows, in this city and in the towns of Coeymans and Watervliet, in this county. The getter-up of the ticket stood at the poll of his ward and perseveringly peddled it, after it had been discovered by the democrats. In Coeymans, its appearance was traced to the leading conservative of the town, he too being one of Mr. Croswell's political

companions. A doctor in Watervliet, who holds a lucrative post under the War department connected with the United States arsenal at that place, is said to have industriously peddled this fraudulent ticket in that town. The canvass shows that 110 of them were actually voted in the county, as Gov. Wright has that number of votes for State Senator.

"Among the conservative Senators who sustain The Argus, and have been sustained by it, in mutual and reciprocal assaults upon the most prominent democrats of the State, upon the Canal Board, and upon Gov. Wright, Calvin T. Chamberlain of the sixth district, John C. Wright of the third district, and Orville Clark of the fourth district, are reported to have come out boldly for the whigs, and given their own votes, and used their utmost efforts to influence others to give theirs, for John Young. We believe that the two former freely, if not proudly, avow their course, but have been recently told that the latter professes not to know what ticket he voted, saying it was handed him at the polls and he did not look at it, at the same time preserving a very ominous silence as to his exertions to influence others. Two others of these Senators, Thomas B. Mitchell of the fourth district and Carlos P. Scovil of the fifth district, were out openly against the regularly nominated democratic candidates for Congress in their respective districts, and although we believe they professed to favor the State ticket, we shall soon show the results in their counties, as the best evidence of their unfortunate efforts in that direction.

"The results in the counties where these five so-called democratic Senators reside, and where their influence may fairly be considered as having been exerted, are worthy of notice. Mr. Chamberlain is a resident of Allegany county, and, in our second article under this head, we examined the vote of this county in 1844, and of the same territory, now forming a part of three counties, in 1846, and found a change in favor of the whigs of 980 votes. The feeling in favor of the Genesee Valley canal doubtless aided the Senator in producing this great change among so limited a number of voters, and it is quite as certain that the conservative Senator aided and influenced that feeling to marshal itself in the whig ranks, irrespective of political principles.

"Schoharie is the county of the residence of Mr. Senator Wright, which gave, in 1844, a majority of 559 for Gov. Wright, and now gives 678 against him, making a change of 1,237 votes. It is no doubt true that anti-rentism assisted this Senator to work out this strong result, but it is also true that Gov. Bouck, running against the combined whig and anti-rent strength of the county, was elected to the constitutional convention in April last, and that the conservative Senator himself, running upon the same ticket, was beaten by a majority less by 400 or 500 than that now given in the county against Gov. Wright. This shows pretty clearly the power exerted by conservatism in producing the present result in this county.

"Mr. Senator Scovil resides in Lewis county, where, it was seen in our second article, a change of 1,083 votes has been produced since the election of 1844, in that article imputed to the feeling in favor of the Black River canal; and if it has been produced in defiance of the efforts of this Senator, it is fair to presume that his influence in favor of all parts of the democratic ticket was fatally impaired by his being openly in the field in favor of the whig candidate for Congress.

"Montgomery county, the residence of Mr. Senator Mitchell, gave to Gov. Wright, in 1844, a majority of 462 votes, and now gives a majority against him of 413 votes, making a change of 875. Here no local feeling or interest or excitement comes to the relief of the Senator, but an open and shameless coalition with the whigs to defeat the democratic candidate for Congress, entered into by himself and his conservative friends, worked out this revolution in Montgomery.

"In these four counties, represented by the four conservative Senators named, a change has been produced of 4,175 votes in favor of the whigs, upon the ballot for Governor, since the election of 1844; and yet these men were all elected as democrats, and have been paid by the people three dollars per day for nearly every day of their time for the two years during which these political results have been achieved.

"Mr. Senator Clark resides in Washington county. He, last year, took the field against the democratic candidate for the Senate in his district; and as no one man usually cheats the democracy

in this way more than once in two years, his county, notwithstanding his efforts, has this year diminished the whig majority of 1844, 167 votes — a compliment rather to the Senator's want of influence than to his democratic inclinations.

"The changes of a like character in another very limited class of counties are equally worthy of remark. In Oneida, Onondaga, Cayuga and Chenango counties, strong conservative organizations have existed ever since the formation of that party in the State, each of which are central points of the political influence and action of that party. A comparison of the votes of these four counties at the two elections of 1844 and 1846 will show the following results:

	1844. Maj. for Gov. Wright.	1846. Maj. against Gov. Wright.	Change in favor of the Whigs.
Oneida	821	1,337	2,158
Onondaga	512	133	645
Cayuga	333	598	931
Chenango	373	61	434
Total changes	2,039	2,129	4,168

"Here is a change of 4,168 votes, imputable to no local interest or excitement (any further than the Black River canal feeling may have influenced some few of the towns in Oneida), but solely to the organized effort of the conservative party to throw the State into whig hands.

"The county of Saratoga has increased its whig majority of 1844 by 246 votes, a number too small to deserve particular notice here, were it not that this county has been heretofore looked to as one of the strongholds of conservatism, and this result, although upon the face of the canvass plainly traceable to conservative effort alone, gives gratifying evidence that the honest democracy of that once sound democratic county are coming to a proper appreciation of the objects of these selfish politicians, and of the influence they should be permitted to exert upon the votes of freemen.

"In our first article under this head, we pointed out a change of 1,198 votes, in the cities of Albany and Troy, and in the towns of Coeymans and Watervliet, in this county, Catskill and Prattsville, in the county of Greene, and Fulton in the county of Schoharie, not to be attributed to the influence of anti-rentism. These places embody the strongest portion of the conservative party in these counties, respectively, and no one acquainted with the localities, and the political influences prevalent within them, will question the propriety of imputing these changes to conservative agency.

"In the strong democratic counties of Herkimer, Chemung and Steuben, prominent conservatives are located, and conservative organizations have been actively maintained. At the late election, in each of the congressional districts, of which these counties compose a part, coalitions have been formed between the whigs and conservatives to elect, in the Chemung and Steuben districts, the regularly nominated whig candidates for Congress, and in the Herkimer district, a bolting democrat, who, as appears by the published handbills of the whigs, was taken up on the condition that he and his friends should give their support to the whig Governor and Senator. These coalitions have been effectual in all the three congressional districts, the whigs being elected in the two former, and the bolting democrat, said to be pledged to oppose the modified tariff of 1846, in the latter. In all these cases the Albany Argus distinctly favored the coalitions, if it did not directly oppose the election of the democratic candidates. The influence produced upon the State ticket and the democratic majorities in these strong counties, by this bolting of the conservatives, is as follows:

	1844. Maj. for Gov. Wright.	1846. Maj. for Gov. Wright.	Change in favor of the Whigs.
Herkimer	1,541	647	894
Chemung	823	378	445
Steuben	1,242	572	670
Total changes	3,606	1,597	2,009

"To this extent were the concerted efforts to break up these strong democratic counties and districts crowned with success. A like attempt was made in the St. Lawrence district, and a conservative was called out to unite the votes of the whigs and bolters. The county of Lewis, with its local question to aid the combination, was made to give nearly 1,400 majority for the bolting candidate, but the stern and honest democrats of St. Lawrence proved too strong and too steady for the success of this attempt to break up a fourth democratic congressional district.

"Here is a reference to 11,796 votes changed from the democratic to the whig side of the poll list, imputable to the combined exertion of the conservative democracy, if there be not a contradiction in the terms, and to the local feeling for the lateral canals, combined with and marshaled by conservatism. To this aggregate may be added the change in the county of Cattaraugus, 330 votes, supposed to be more clearly the fruit of the local feeling, and less distinctly impelled by conservative effort, than the changes in Allegany or Lewis. This will make a total change of 12,126 votes, clearly traceable to these combined causes, though it has been seen that the canal influence, if credited with the entire changes in Lewis, Allegany and Cattaraugus, would control but 2,393 of the number, leaving the whig party indebted to conservatism alone for the remaining 9,733 votes.

"Gov. Wright's majority in the State, in 1844, was 10,033 votes, and if the canvass of the remaining counties be examined, the amount of conservative defection may be easily traced, much more than equal to the difference between this majority and the entire change of votes traceable to the conservative effort alone. Conservative defection, therefore, has been *the cause* of the defeat of democracy at the late election. It has given to the whigs votes to overcome the democratic majority of 1844, and still a greater number. It has marshaled the local feeling in favor of lateral canals through the direct action of some of its promileaders, and brought that feeling to act in concert and in union with whiggery and itself. It has done more, and used influence with activity and zeal, and we verily believe with efficacy and success, to bring anti-rentism into the line, to con-

tribute its strength to the certainty and the magnitude of the whig triumph.

"The evidences of this last fact are the entire course of The Argus to keep alive the prejudices of the anti-rent party against Gov. Wright, by filling its columns with matter which was extracted and circulated in handbills by the anti-rent politicians, as better calculated to inflame the passions and prejudices of these excited people than anything composed for their own papers; and the very great sensitiveness of the editor of The Argus, shown through the columns of his paper, whenever there seemed to be any probability that the democratic anti-renters might conclude to act with the democratic party instead of lending their aid to the whigs.

"The fact that the first intimations that reached us, and we believe the first which were made, that the anti-rent State convention would divide the State tickets and nominate the whig Governor and the democratic Lieutenant-Governor, came from active and officious leaders of the conservative party, is another evidence we offer to this point. The very first intimation of this sort which came to our knowledge, was given out in the shape of a prediction by a noisy conservative (who is also a federal office-holder), in the Capitol, during the sitting of the constitutional convention, and about a week before the anti-rent State convention assembled to make its nominations. This prediction was coupled with the triumphant declaration that this would defeat Wright. Subsequently to this time, and up to the meeting of that convention, this prediction was constantly repeated from various like sources.

"When that convention did assemble, it is a fact well known here, that a very large portion of the delegates, if not an entire majority of the convention, and certainly a large majority of the democratic members, were inclined to pass a resolution that the convention would make no State nominations, but would leave the members of their party to vote upon the State ticket as their political preferences should incline them. It is as well known that many of the active conservative leaders here mingled busily with the delegates and strenuously urged the nomination by the convention of John Young for Governor and Mr. Gardiner for

Lieutenant-Governor, and a division between the two great political parties of the Canal Commissioners. The subject was under discussion, in and out of the convention, from its meeting in the morning until a late hour in the afternoon, when the course urged by the conservatives was taken, and nominations were made, selected with numerical equality from the tickets of the two political parties, the prominent democratic delegates making all the opposition in their power against such a decision on the part of the convention.

"A further significant fact connected with this proceeding, and which we have in a very direct manner and from the highest authority is, that the editor of The Argus and self-styled '*State printer*,' during the day of the convention, held a conversation with one of the democratic delegates, in which he strenuously urged the nomination of Young and Gardiner by the convention; that the delegate, after hearing the editor upon the point, remarked to him that his object in urging this course was very plain; that he wished to defeat Gov. Wright; that Mr. Croswell made no direct answer to the remark, but permitted his silence to assent to its truth, and went on further and more earnestly to urge the nominations of Young and Gardiner, the delegate having been one of those who had entertained the opinion that it was better to make no nomination.

"These facts, we think, sufficiently prove that the conservatives did all in their power to bring the anti-rent party into coalition with the whigs, and as that coalition was not effected until it was brought about by this interference in this manner, on their part, it is fair to give to them the credit of having accomplished that object; this added to the whig side of the poll list from 7,000 to 9,000 votes, and, with those before accounted for, will constitute an aggregate of changes in their favor of at least 20,000 votes. The majority for Gov. Wright in 1844, as we have seen, was 10,033, and the majority for John Young now is 11,572, making together 21,605 votes changed in the State upon the Governor ballot. The scattering conservative vote, in the counties which have not been examined, will supply this difference.

"Here, then, we have the causes of the defeat of the democracy, at the late election, clearly ascertained by facts, and traced

upon the face of the official canvass. We have said that anti-rentism was *a* cause, and that the local canal feeling was *a* cause, but that conservative defection was *the cause*, and now we think we have shown this to be so. We have shown that it was the strongest element in the combination of causes, and that it was the agent which combined and marshaled and moved the other influences. It was *the cause.*

"In pronouncing this conclusion, we only echo the universal admission of the whig press. It ascribes, with one voice, the victory of its party to the zeal and active exertions of 'the old hunkers,' another name for the conservative party. It is a declaration, which comes in from all quarters, that the conservatives manifested more anxiety that the whig vote should be got fully out than did the whigs themselves, and the whigs of more than one county and district in the State ascribe their success to this wakeful energy on the part of their allies.

"So much for the results of the election and the causes."

CHAPTER CXXXIX.

THE APPOINTING POWER.

Under the Constitution of 1821, which continued in force until Mr. WRIGHT, ceased to be Governor, at the close of 1846, the Chancellor, the Judges of the Supreme, Circuit and County Courts, Surrogates, Masters and Examiners in Chancery, Notaries Public, Major-Generals, Brigade Inspectors and chiefs in the staff departments, were appointed by the Governor, with the consent of the Senate. He also appointed the Adjutant-General and his Private Secretary. Most of these held for terms specified in the Constitution, and no general power of removal was conferred. The number of appointments within the power of the Governor was very limited. He appointed one Chief Justice, one puisne Judge, four Circuit Judges, fourteen Surrogates and twenty-five First Judges of Counties — forty-five in all — which are given below. He made other and minor appointments. They will compare favorably with those made at any other time, or by other Governors. When there were vacancies he promptly filled them with those he deemed best qualified, and never waited until the diversified interests of his political friends commenced to jar, to end in open warfare among themselves. Such delays could only result in deciding a question among friends and necessarily identifying himself with one side and consequently offending the other, whose claims he did not recognize. By prompt and prudent action he harmonized his friends and secured strength among them, and avoided the perpetuation of ill feeling and consequent weakness, which often result from the exercise of the appointing power. His selections

were never tinged with selfish or unpatriotic motives. The best good of the conntry and of his political party always guided his action in this, as in other matters.

Appointments made by Governor Wright.

Chief Justice.

"Green C. Bronson, of Utica, March 5, 1845, in place of Samuel Nelson, appointed an associate justice of the Supreme Court of the United States."

Puisne Justice.

"Freeborn G. Jewett, of Skaneateles, March 5, 1845, in place of Bronson, promoted."

Circuit Judges.

"John W. Edmonds, of New York, February 18, 1845, first circuit.

"Hiram Gray, of Elmira, January 13, 1846, sixth circuit.

"Selah B. Strong, Setauket, March 27, 1846, second circuit.

"Seward Barculo, Poughkeepsie, April 4, 1846, second circuit."

Surrogates.

"Joseph D. Monell, Columbia county, January 24, 1845.

"Peter M. Vosburgh, Erie county, January 24, 1845.

"Horatio G. Pratt, Rockland county, January 27, 1845.

"Luther Waite, Washington county, January 27, 1845.

"Thomas S. Gray, Warren county, March 16, 1845.

"Schuyler Crippen, Otsego county, March 25, 1845.

"Ezra Graves, Herkimer county, April 2, 1845.

"Alonzo D. Hammond, Kings county, May 3, 1845.

"Jonathan D. Ostrander, Ulster county, May 10, 1845.

"Samuel Willet, Genesee county, May 25, 1845.

"Simeon B. Jewett, Monroe county, October 20, 1845.

"Orris Hart, Oswego county, November 3, 1845.

"William R. Van Arnum, Greene county, May 12, 1846.

"William P. Curtis, Oswego county, October 1, 1846."

First Judges of the Courts of Common Pleas.

"Marcellus Weston, appointed first judge of Fulton county, 17th January, 1845.

"Frederick P. Stevens, appointed first judge of Erie county, 17th January, 1845.

"Ezra Graves, appointed first judge of Herkimer county, 24th January, 1845.

"Halsey R. Wing, appointed first judge of Warren county, 31st January, 1845.

"E. Fitch Smith, appointed first judge of Ontario county, 10th February, 1845.

"Samuel W. Jones, appointed first judge of Schenectady county, 10th February, 1845.

"Nelson K. Wheeler, appointed first judge of Delaware county, 12th February, 1845.

"P. Sheldon Root, appointed first judge of Oneida county, 21st February, 1845.

"Seward Barculo, appointed first judge of Dutchess county, 5th March, 1845.

"Thomas B. Campbell, appointed first judge of Chautauqua county, 24th March, 1845.

"Calvin Skinner, appointed first judge of Jefferson county, 1st April, 1845.

"James Gilson, appointed first judge of Orleans county, 10th January, 1846.

"William M. Hawley, appointed first judge of Steuben county, 30th January, 1846.

"Edgar C. Dibble, appointed first judge of Genesee county, 6th February, 1846.

"John Darraw, appointed first judge of Montgomery county, 16th February, 1846.

"Isaac E. Haviland, appointed first judge of Queens county, 5th March, 1846.

"Robert S. Hart, appointed first judge of Westchester county, 27th March, 1846.

"Abraham Bockee, appointed first judge of Dutchess county, 8th March, 1846.

"Jonathan L. Woods, appointed first judge of Niagara county, 29th March, 1846.

"Julius Wilcoxson, appointed first judge of Columbia county, 2d May, 1846.

"Joseph L. Darling, appointed first judge of Chemung county, 4th May, 1846.

"John Rawley, appointed first judge of Dutchess county, 12th May, 1846.

"William H. Adams, appointed first judge of Washington county, 12th May, 1846.

"John B. Skinner, appointed first judge of Wyoming county, 25th May, 1846.

"Allen M. Sherman, appointed first judge of Orange county, 1st September, 1846."

Horace Moody, of Canton was appointed his private secretary, by Gov. Wright. He served through his term of office.

Thomas Farrington, of Owego, was appointed Adjutant-General in 1845, and was succeeded by Robert E. Temple, of Albany, in 1846.

On the death of Jonas Earll, of Onondaga, a Canal Commissioner, Gov. Wright, on the 3d of December, 1846, appointed John T. Hudson, of Buffalo, who had been elected to that office in the previous November, when there was no legal vacancy, to serve until the end of 1847, under the statute.

CHAPTER CXL.

MR. WRIGHT'S RELATION TO RELIGION.

Mr. WRIGHT'S parents were Congregationalists, whose religious walk was in strict harmony with their professions. They educated their children in conformity with the teachings of their church and their own understanding of their Christian duties. Mr. WRIGHT conformed to the parental instruction he received and the example exhibited by most worthy parents. Of the effect of these upon him, no one can be more competent to speak than Roswell Pettibone, long the pastor of the Presbyterian church at Canton, Mr. WRIGHT'S residence. Soon after the death of Mr. WRIGHT, he prepared an obituary notice of him from which extracts in relation to religious matters are here given.

"He cordially assented to the truth and immense value of the Holy Scriptures. Trained up in his youth under the instructions of pious parents and of an orthodox ministry, he believed the Holy Bible to be an unspeakable blessing to fallen man; the foundation of our most valued hopes, and the only sure guide to happiness in the present or future life. He believed in the necessity of regeneration by the Holy Spirit, and justification by faith in the Redeemer, in order to obtain the great salvation which the Scriptures reveal. When he first became a resident of Canton, the Presbyterian church of that town was small, and destitute both of a pastor and house of worship. It was his practice, uniformly, to meet with them on the Sabbath, either in a private dwelling or a common school-house, where God was publicly worshiped. In the place of preaching printed sermons were read, which service Mr. WRIGHT cheerfully, and almost invariably, performed, in accordance with the wishes of the congregation; and

up to the time of his death, when at home, he generally, in the absence of the pastor, performed the same service.

"Although not a public professor of religion, or a communicant of any church, he was a strict observer of the Sabbath. He conscientiously refrained from labor, or traveling, or any business inconsistent with the required observances of the Lord's day. Very few, indeed, were the cases in which he was known to deviate from this practice, and whenever such deviations occurred, they were evidently in consequence of the most pressing necessity. While at home, he uniformly attended public worship. Nothing but sickness of himself or friends vacated his seat in the sanctuary. Morning and evening he appeared in the worshiping assembly, and, to the preaching of the gospel, he listened with fixed attention. The high value which he placed upon the Christian ministry, led him cordially to sustain it, not only by giving punctual attendance upon its ministrations, but also by liberal contributions to its support. He was also a generous contributor to the various benevolent societies which have for their object the present or future good of mankind, either at home or abroad, in the evangelized, or unevangelized, portions of the world."

CHAPTER CXLI.

PRESENTS.

Mr. WRIGHT was strongly opposed to men in official stations endangering their independence by accepting presents having intrinsic value. They have a tendency to warp the judgment and induce them to do, out of gratitude and kindly feeling, what their unbiased judgments would not consent to do. Few men are so self-poised as not to be affected by a valuable present, and where they are not, it subjects the receiver to injurious suspicions. Mere tokens of personal friendship and regard are not liable to these objections. When Hon. Alvin Bronson, of Oswego, one of the celebrated "seventeen Senators," in 1833, sent Mr. WRIGHT a silver-headed cane with the inscription, "A straight road never lost a traveler," he designed it as a mark of respect and esteem, and as complimentary to his straight-forward political course. He received it as such. He was often the recipient of similar evidences of high esteem. But a present of pecuniary value was never received by him. Tradition tells us with what high-furious resentment, while in the State Senate, he refused the proffer of $10,000 to surrender his opposition to granting bank charters, and the abhorrence in which he ever held the political friend who condescended to become the organ of the proffer. The occupant of an adjoining room, who overheard what passed, always spoke of Mr. WRIGHT'S response as one of the most terrible invectives that was ever administered. The agent of this corrupting and infamous offer, although then standing high and occupying an elevated position, sunk into oblivion; while the young Senator, though poor

if not needy, rose to the highest honors which the State could confer upon him, before that emissary passed to his grave.

In the summer of 1847, after Mr. Wright ceased to be Governor and had retired to his farm, the merchants of the city of New York arranged to present to him, through Gen. John A. Dix, a service of plate as a testimonial of their esteem and respect for his public and personal character. This was about ready for presentation when the news of his death was received. Afterwards sundry articles calculated to be useful to his widow were added.

The plate bore this inscription:

"PRESENTED

TO

SILAS WRIGHT,

BY HIS

Mercantile friends of the City of New York, in testimony of their respect and regard

FOR HIS

PUBLIC AND PRIVATE CHARACTER.

4th July, 1847."

As a testimonial of his merits, it was the spontaneous tribute of men who had no interested designs to promote by what they did. The contributors were not politicians of that class who were looking for offices. They would not have received them if offered. They admired and revered the man, and wished to give him a token, in a delicate way, of their sincere and unbought respect, both for his public and private virtues. In no way, at that time, could Mr. Wright serve them.

It is presumed that Mr. Wright had no knowledge of this action of his friends. This speaking token was delivered to Gen. Dix, in New York, on the 18th of November, 1847, when the following remarks were made:

Remarks of John D. Van Buren.

"Mr. Dix: we have asked you to meet us this evening, to receive, in behalf of Mrs. Wright, this service of plate. It was prepared as a gift from the merchants of this city, to Silas Wright. His death prevented the fulfillment of our wishes.

"An occasion to which we had looked forward as one of high and unmixed pleasure, Providence has decreed should be a sad one. We hoped to tell him our high estimate of his public services, and that we shared in the confidence and pride with which the people of this State regarded him; that in this busy mart of commerce, devoted to gain, his simple, earnest, truly republican character was known and appreciated. We can now only with pain think of his noble qualities. They remind us of the sad loss the State and country have suffered.

"His character was one singularly attractive to our people, retaining to the last qualities most apt to be worn away in the struggles of public life. Modest, simple in his manners, gentle, true to his friends, true to his duties, utterly unselfish, he secured the confidence and affection of the people.

"Until chosen to the Senate of the United States, he was little known beyond the limits of the State. Transferred thither from the plodding duties of Comptroller of the State, he soon acquired a rank in that brilliant gathering of powerful minds, few men attain. Assigned to a leader's part in the fierce party conflicts that have distinguished our times, and dealing powerful blows in defense of his own principles, and in attack upon those he opposed, yet such was the gentleness of his nature, so ever present was his sense of what was due to others, that with no one of his opponents had he ever a personal difference.

"Ambition in him was always controlled by his higher feelings. The splendor of the presidency itself, though brought so near as to be within his reach, could not dazzle him into swerving from the line which his sense of public and private duty defined. When, on the other hand, the cause which he served required a sacrifice of himself, he was prompt, ready and willing for the sacrifice.

"Death found him at the plow. He who had for years been a constant object of public admiration, a chief ornament of the

most exalted body known to our land, was contentedly filling the station of a farmer on a humble scale, with means barely sufficient, aided by his own labor, to give him support. The character of Cincinnatus, so attractive to our unsoiled boyish hearts, but which by our colder manhood may have sometimes been deemed one of the exaggerations of distant history, was realized before our eyes.

"His attachment to republican principles was a deep and abiding faith, brightly illustrated in his every day conduct. However exalted his position, the people felt that he was with them and of them. The people knew him, were proud of him, appreciated him to the full; the one great heart of the people loved him.

"To you who were his friend, his well esteemed friend, we confide the task of conveying our gift to the widow of Silas Wright. We can offer with it no consolation, but the poor one that she is not alone in her sorrow; the blow which fell with its chief intensity upon her, was felt deeply, widely, throughout the nation. Convey it to her in token of our lasting remembrance of him, and of the high regard in which we must ever hold her, whom he chose to be his nearest friend in life and who has the deepest interest in that fame which is all that is left to her and to the country of Silas Wright."

Mr. Dix's Reply.

"On receiving this service of plate, which was designed to be presented to the late Gov. Wright, I desire first to return my thanks to you, sir, and to the gentlemen associated with you, for your kindness in designating me as the medium of communication between you and that distinguished statesman and citizen. If he had lived, I should have performed the duty, as it was first intended, with unmingled satisfaction. In performing it now, in another mode and as a posthumous act of respect for his memory, I cannot, without deep sensibility, receive the donation for the purpose of transmitting it to Mrs. Wright — once the cherished companion of his life, and now a solitary mourner over the home and fireside which have been desolated by his untimely death. I believe I may truly say from my knowledge of her character,

that no one could bow with a readier submission than herself to the will of Providence, however trying its dispensations. But we all know that where the spirit is submissive it is not always within our power to arm ourselves with the firmness and strength necessary to sustain us, when the fountains of our domestic prosperity and peace are broken up at their source. It is painful to know that she has not, in this respect, been proof against sudden and overwhelming affliction that has fallen upon her, and that her health has severely suffered. I need not say for her that she will be deeply affected by this manifestation of regard for her deceased husband. Next to a firm religious trust, tributes of public respect to departed friends afford the highest consolation. Next to our own remembrance of those who were dear to us, comes the grateful assurance that they are cherished in the public mind and heart. And how few there are, after a quarter of a century spent in the service of the people, and amid the angry conflicts of party, who have, like Gov. Wright, carried with them through life the confidence and respect not only of those who have stood by their side, but of those who have been arrayed against them in the arena of politics!

"As his friend, it has been a source of unfeigned gratification to me, during my brief service in the Senate of the United States, to observe the profound impression which was left upon the minds of his associates in that distinguished body, not only as a statesman of commanding talents and extensive views, but as a man deeply imbued with the spirit of the political system, in the administration of which he had been called upon to take part, with a strong sense of the responsibility imposed on him by his position, and the relation in which he stood to the great State he represented. If there is any single conviction, in respect to him, more deeply impressed than any other on those with whom he acted, it is that his sole aim was to meet his responsibilities as a public man faithfully and satisfactorily to his constituents, without ever considering the effect his public acts might have upon his own personal interests. It was this conviction that carried with it, to the minds of those who differed with him in opinion, the assurance that even in advocating measures they disapproved

he was actuated by a disinterested patriotism, and by an inflexible integrity of purpose.

"To none better than yourselves, gentlemen, are known the assiduous and successful labors of Gov. Wright in the Senate of the United States, so far as they have met the public eye — those particularly which concern the commercial and financial systems of the country. His reported speeches on these great topics are familiar to you all, and it is in these that a knowledge of what he has done chiefly consists. But his labors did not end with them. Indeed, they are sometimes but indexes to equally elaborate efforts. The subjects of which they treat are as often critically discussed in legislative reports sometimes presented by others, not always bearing his name, but carrying on every page proofs of authorship too clear to be mistaken. I have more than once, in the examination of questions of public policy, met with papers on the same questions among the documents of Congress, written in his clear and unpretending style, and shedding a flood of light upon all the details of the subjects of investigation. Though not always generally known as emanating from him, they will stand among the public archives as perpetual guides in future discussions of these subjects; and thus his most modest and unobtrusive efforts will render the country service scarcely less valuable than those which, from his position, were necessarily brought before the public by himself.

"To you, gentlemen, engaged for the most part in mercantile pursuits, and taught by experience to appreciate the practical results of the commercial policy and legislation of the country, his efforts to introduce a system of liberal and enlightened measures, in respect to commerce, need no commendation from me. A strong sense, on your part, of their value and usefulness to the country, was among the leading motives to the occasion which has called us together. It has produced these works of art, in which it is not easy to determine whether the munificence of the donors, or the genius and skill of the artist, are most conspicuous. I may, however, be permitted, in connection with this subject, to say, that he was the author of an able and lucid report, printed among the documents of the Senate, but submitted to that body by another member of the Committee of Commerce,

on the warehouse system — a system, which I believe needs only to be administered rightly, and in a spirit of liberality to the mercantile classes, to give the greatest possible activity and extension to the commercial transactions of the country. He was, also, for several years, the advocate of a system of drawback of duties on goods carried through the United States, to districts of country bordering on us — a measure which had done much to extend our commercial intercourse with our neighbors in Canada, and to draw more close the bonds of friendly association between them and us. It is true these important measures were not adopted during the period of his service in the Senate. But is it not reasonable to suppose that his arguments may have contributed to their success, and rendered more easy the task of those who came after him, in carrying them into execution? It is not always the remote cause which is the least powerful in producing results; and I have no hesitation in saying that more than one public measure, which was consummated after the expiration of his service as a Senator, was brought about, in no inconsiderable degree, by the influence of his opinions, and the power of his arguments.

"I have, perhaps, been the better able to appreciate the value of his services, to the commerce of the country, from the circumstance that I have been during the last two, as well as for several years, chairman of the committee of the Senate to which that subject was confided. My legislative labors have therefore been, to some extent, performed in the same field, though I am conscious that in following him it was at an immeasurable distance. But it has afforded me the opportunity of knowing, better than I should have known, the value of his services in a department of the government which so deeply concerns the interest of the country, and particularly the interest of this city and State.

"In examining the political writings of Gov. Wright, his speeches, messages and State papers, no one can fail to be struck with his extraordinary power of illustration. Indeed, the leading characteristic of his genius was a singular clearness of perception, and, as allied and incidental to it, the power of rendering his own views equally clear to the minds of others, and of reducing

the most complex combinations to the simplest propositions of which they were composed, or of which they were susceptible of being resolved. Questions the most intricate, theories the most involved, became clear and intelligible when subjected to the analytical processes which constituted the great resource of his intellect. It was this power of seeing clearly and reasoning accurately, which gave him so much weight and strength as a debater. It was not easy to delude him by false argument, or to confuse him with propositions so complex that he could not, at once, detect and unravel them. And with what a careful veil of courtesy were the triumphs of his intellect invested! I do not believe that it ever gave him pleasure to overthrow an adversary in argument, excepting so far as he felt his success to be a vindication of the cause of truth. His aim always seemed to be to render the refutation so courteous as to extract from it, so far as depended upon him, the sting of defeat. This kindness of feeling and of manner gave him a distinction in the Senate chamber, not less enviable than that which is derived from the vigor of his intellectual powers.

"If I were to undertake to specify the ruling attribute of his character, in its external as well as internal developments, I should style it simplicity — simplicity in the operations of his mind which, combined with clearness of perception, is but expressing, in another form of words, the power of analysis — simplicity in his habits, manners and all his communications with his fellowmen. It determined the character of his style as a writer and an orator, by divesting it of all ornament. It is very rare to find figurative expressions in his productions, and in the few cases in which they are found, they are obviously employed to aid his illustrations, and not for oratorical display. He studiously shunned notoriety; and yet who among his cotemporaries is better known to the great body of his countrymen? He neither sought or desired tributes of respect; and yet, in what portion of the Union have not such tributes been poured out in the hearts of multitudes to the power of his intellectual genius and to his moral worth? Cut off, as he was, in the fullness of his strength, and when his capacity for usefulness was greatest, it may nevertheless be doubted whether higher political distinc-

tions — distinctions he had more than once declined — could have added to his fame, or transcended in value the homage already paid to him, in the respect and confidence of his countrymen.

"I should not feel justified, on an occasion like this, in attempting a full delineation of the character of Gov. Wright, as a public man and a private citizen, if I felt myself competent to the task, or even entering in detail into the examination of his services to his country. The just and feeling remarks addressed to me, have anticipated me in much which I might have said of him. The tribute which you designed for him was intended as an acknowledgment of his services, and as a token of respect for his character. I have alluded to both, briefly and imperfectly I know, but as fully, perhaps, as the occasion will warrant. Let us leave, then, to the future biographer to present him to his countrymen in all the parts of his high character, and to do that justice to his labors in the public service to which any passing notice on an occasion like this would be utterly inadequate.

* * * * * * * *

"Let me now return from the digression; and let me in conclusion say, in the name of Mrs. Wright, that she will receive, with grateful sensibility, this tribute of respect to the character of her departed husband."

When Mrs. Wright received the plate, she sent the following impressive and appropriate letter:

"Canton, *January* 28, 1848.

"Gerardus Boyce, Esq.:

"Dear Sir. — In your letter of the twenty-sixth of November, communicating to me the arrangement you had made for the delivery of the service of plate designed to have been presented to my lamented husband, you desire to be informed of its safe arrival and delivery to me.

"My brother, Mr. Horace Moody, arrived at Canton on the fifteenth day of January instant, and brought with him this rich testimonial of esteem and friendship for him whose death has left me desolate. If anything could alleviate the weight of my affliction in the loss of all that was really valuable to me in life, it would be the constant proofs that my grief is shared by many

true and faithful friends, to many of whom I am personally a stranger.

"This service of plate, valuable for the massive richness of the material, is still more valuable for the rare beauty and skill displayed in its manufacture; but its chief value to me is, that it is an evidence of the esteem and friendship of the donors for one whose memory is all that is left to me on earth.

"To you, sir, and to the gentlemen with whom you are associated, who have selected you as their agent to prepare this token of friendship and esteem, designed for my departed husband, I can only give my sincere and heartfelt thanks.

"Yours, respectfully,

"CLARISSA WRIGHT."

This munificent gift Mrs. Wright preserved with care during her life. At her death she directed it to be equally divided, as far as practicable, between her three living and the children of a deceased brother, except one piece, which she desired to be given to a personal friend of her husband, who, in the management of her affairs, had rendered her essential service, for which he would receive no pecuniary compensation. This valuble token of esteem for Gov. Wright will ever be prized as a memento of the great statesman, and is likely, in time, to pass into as many hands as there are pieces, to be prized more than gold or rubies.

CHAPTER CXLII.

THE PACIFIC RAILROAD.

When our controversies with Mexico indicated extensive acquisitions on the Pacific coast, the subject of a railroad to our possessions there became the subject of thought and discussion among the American people. Routes were indicated and the means of construction discussed. The interests of different localities suggested different routes, and various financial schemes were presented for the consideration of our citizens. Among those devoted to the enterprise of constructing such a road, none were more prominent than Mr. Asa Whitney, formerly engaged in merchandizing in China, and who had retired with large fruits of success. For a long period he apparently devoted his whole time and energies to this subject. Among those he consulted, or sought to interest on the subject, was Mr. WRIGHT, then United States Senator representing New York. When be became Governor, in 1845, Gen. John A. Dix succeeded him in the Senate, and who wrote him upon the subject. On retiring from his position as chief magistrate of the State, he answered Gen. Dix's inquiries, giving his knowledge of Mr. Whitney, his plans and the mode of execution then contemplated by him, with great frankness, as the following letter will abundantly show. His predictions concerning the public lands and the dispositions likely to be made of them have been more than realized. If he had lived until the present time, he would have had abundant cause for affirming, as he then did, "I have considered them (the public lands) instead of a valuable fund, a great nuisance to the government, and have long

wished in my heart that it was rid of them in a way not to do permanent harm to the country."

We give the letter entire although it embraces some other subjects, none of which are, however, without general interest.

Mr. Wright to John A. Dix.

"Albany, *January 5th*, 1847.

"My Dear Sir. — I have been a free man for four days, and yet have found myself with so many things to do that I have not been able to give my time to a large file of private correspondence in arrear. I have so many things, which I should be glad to write to you, that I know not where to begin. The best way, however, I suppose, is to say one thing at a time, and as it occurs."

The Pacific Railroad.

"You ask me for my opinion about Whitney's railroad, and he has written me a letter expressing astonishment at learning that you did not know my views. He would express greater astonishment, I suppose, if he should learn that I do not know them myself. My acquaintance with him commenced by his writing to me from Canton, China, when I was in the Senate and a member of the Committee on Commerce, on the subject of our consular regulations with China. He wrote a very sensible letter and I replied to it. Soon after he returned home and called upon me, and in a long talk with him about China, the British movements there, Mr. Cushing's mission, and the character, customs, laws, etc., etc., of the people of China, he interested me very much. I had previously had a long interview with Mr. Wetmore, a member of the house which sent Mr Whitney to Canton, who had himself previously resided ten years at that place, to superintend the affairs of his house there, and my conversations with him induced those with Whitney. I presume from the fact that I was pleased with his communications, and greatly interested in the information he gave me, Whitney seemed to take to me, and the next summer he visited me in St. Lawrence to consult me about his present railroad to the Pacific. The project was so

vast that I could scarcely feel myself justified in making it one of serious conversation, and I could not fail to see that he was a sanguine and visionary man. Yet in the detail of his views, as given to me there, I saw so much of wide, comprehensive and practical sense, that I really thought more of him than I am apt to think of visionary theorists. His great object in seeing me then was to get me to help him persuade Mr. Van Buren to come out for his project and become its patron. This was about May or June, 1843. This idea I combated and I believe successfully, by showing him that the moment he made a project so vast the interest of any man, or connected with any party, it would be dead at once; because that would unite all other aspirants against it without reference to its merits, while local interests and feelings would render it impossible to bring the whole strength of any party in its favor. I told him if it could be made to stand at all, it must be upon its own strength and merits, wholly separated from the political strifes of our great men. At the time he was not satisfied with my views upon this point, but long since he has written to me that I was clearly right, and that he should have ruined his project if he had connected it with the political fate and fortunes of any man. Since that time he has assumed that I am one of the marked friends of his scheme, as I have learned from various sources, and he now begins to make demands upon me, which may induce me to enlighten him as to the extent of his claims of that character. He has made me two visits here, since I have been here, and I have listened to him patiently and treated him kindly, but have made no expressions of opinion, and really could make none, for I have not felt qualified to make any. I have really come to think that the project is fairly practicable, and that the connection, if well established, would produce a revolution in the trade of the world, which I cannot measure or estimate. It looks more to me like the north-west passage to China than anything which has ever before been presented to my mind, and my only, or rather greatest, difficulty is the thought of accomplishing it by such a connection through an unsettled country. I do not believe it can be done. I cannot make myself believe the means he proposes, if given as he asks, would effect it. Still there is much in what he says, that

the government lands constitute the only fund that our government can or will ever give to accomplish this great connection; that the valuable portions of them are so rapidly selling, that if they are not given soon they never can be, or will be inadequate, and he is sanguine in the belief that given now they will be adequate. Is it worth while to permit the experiment to be made? To answer this, I must tell you some of my impressions about these public lands."

Views Concerning the Public Lands.

"I have considered them, instead of being a valuable fund, a great nuisance to the government, and have long wished in my heart that it was rid of them in a way not to do permanent harm to the country. The collisions which they are periodically threatening between the new States and the federal government, and the new States and the old, have ever been frightful to me. I have feared, and do yet, that these collisions may, some day, come to a direct issue which will shake our Union. The spirit of plunder which the lands keep alive, by enabling demagogues to represent them as an immense fund which Congress may legitimately apply to any profligate purpose, is an evil only second to the one I have just mentioned. The distribution policy is an offspring of this spirit. Another is now springing up everywhere, of even a worse form, and that is that the lands shall be given to the settlers in specified quantities for mere use, and so far has this already gone with us that tracts are regularly circulated previous to every election, among our freemen, headed 'Vote yourself a farm.' The spirit is an agrarian one sought, in form, to be applied to lands only, and by inference to lands of the United States alone. It is a growing spirit, and I am told we have members in our present Legislature, elected as democrats too, who openly espouse this mode of disposition of the public lands.

"Now, greatly in preference to all these modes of disposition, I would prefer to see the lands devoted to a railroad to the Pacific or to the moon, if they can be so devoted without being made to build up an evil as great or greater than these, which I should intend to remove by the appropriation. Whether that

can be done or how it can be done, I have not attempted to determine, though it has seemed to me that Whitney's bill, as it has been represented to me, contains many safeguards against misappropriation and abuse. Yet I am not at all prepared to say that the bill prepared is safe, for I think I have never read it.

"Now, this is about as far I have gone in forming speculative opinions about Whitney's project, and you will see that all are based, substantially, upon the assumption that almost any disposition of the public lands, which will not be positively mischievous, may be desirable to relieve us from evils of the first magnitude constantly threatening to grow out of their possession and retention by the government. Yet I ought to say that the further consideration influences me, that I think the time will come when our trade with the east, if not that of the world, must be carried on from the Pacific ports on this continent, and when a connection by railroad between the Pacific and Atlantic coasts will be the greatest inland thoroughfare in the world.

"I have not made up my mind that I should vote for Whitney's project, but only that I should not reject the idea of this connection, and of aiding it by the public lands, without more examination and reflection. If you have not done so, and see no impropriety in doing it, I suggest that you permit Whitney to make you a visit to explain fully his views to you; that you then tell him the subject is a vast one, that your mind is not made up about it, but that you shall examine it and act upon it as your conscientious sense of duty shall direct.

"His reasons for taking a line as far north and as high up the streams as practicable, after he comes east of the Rocky Mountain pass, are sound and good, in addition to the fact that he must do that to avoid the Indian Territory and get much good land. Still, I have told him from the beginning, and yet believe, that Mr. Calhoun and his southern force will oppose him, if he does not pass across the southern portion of the Union and make his connection at a southern Atlantic port; and, although our good friend Col. Benton may not be conscious of it, yet the proposition to leave St. Louis far to the south and east, instead of making it a terminus, may mar the appearance of the whole scheme to him.

"I think I see indications that Gen. Cass is preparing to mount

this hobby, and I fear Whitney will encourage his doing so. If he does he will kill it, and if I saw anything like this, I should say to Whitney that, as a hobby of any man for the presidency, he must not ask or expect my support.

"Now, my good sir, this is enough, in all conscience, for one letter, and I had hoped, when I began, that this space would have completed at least three of my most important subjects.

"I will only now add that I thank you for putting my name on your list for the Congressional Globe and appendix, and I wish, after this week, you would address them to me at Canton. I intend now, if there shall be sleighing, to leave here for our home early in the next week, but if I do not go so soon the papers will be preserved for me there.

"I shall try to write you one more long letter before I leave here, and then may be able to tell you when we shall go. As yet, I feel as happy as a man can with my liberty, and I intend to enjoy it well after we get settled at home. I am momentarily expecting a copy of Gov. Young's message, and intend to send you a copy by mail, though I presume an express will go south and that you will get the document much sooner than I can give it to you.

"I cannot express to you the gratification I have derived from your news of Mrs. Dix's improved health. May she be perfectly well so as to be able to cheer you up and cheer you on in your troublesome position.

"The Argus of this morning tells us that the message for the Lieutenant-General has been sent in, but does not give the document. Mr. Flagg and myself have thought and talked much about this movement, and we fear its effect greatly, and especially do I fear the consequences upon Col. Benton, whom I know to be purely and sincerely patriotic in all his public acts, but who I fear will find himself unsupported, if not treacherously stabbed, and especially if he is likely to gain reputation. It is most unhappy to be forced to entertain such suspicions, and I had hoped to be relieved from them as soon as Congress should meet again; but everything I have yet seen and heard, so far from removing, has more than confirmed appearances.

"Mrs. Wright joins me in kindest regards to Mrs. Dix and

yourself, and all the members of your family. We hear nothing from Mr. Morgan but through you, and feel deep anxiety about him. Remember me affectionately to King, and tell him I intend to pay for his letter before I go to St. Lawrence.

"I am truly yours,

"SILAS WRIGHT.

"Hon. John A. Dix, etc."

Note.—The New York Evening Express of the 19th of September, 1872, makes the following announcement:

"Death of a Railroad Character. — Mr. Asa Whitney, one of the first projectors of the Pacific railroad, if not the first agitator of that great enterprise, died recently at his residence in Washington, near the Soldiers' Home, of typhoid fever. The deceased has resided in the District of Columbia for twenty years past, and was in his seventy-fifth year. As early as 1845, Mr. Whitney began the agitation of the project of a railroad across the continent. He petitioned Congress, visited State Legislatures and explained his enterprise, and finally visited Europe for the purpose of enlisting capitalists in his scheme. It is said that he spent upward of $100,000 in agitating and shaping public opinion in this great project.

"His articles in the New York Express in favor of the road were numerous and able, but almost everybody at that time, except the editors of this paper, who gave room to his articles, looked upon him as a visionary, whose projects would not be realized for 200 years."

The Author knew Mr. Whitney personally, during the period referred to by the Express and since, and he is not aware that he profited to the amount of a penny by his labors and expenses in developing his views and wishes in relation to this great enterprise which has resulted so much to the advantage of the country, and especially to the Atlantic and Pacific States. His great and useful labors on this subject seem to have been soon overlooked and suddenly forgotten by those profiting by them.

Chapter CXLIII.

FREE TRADE AND THE TARIFF.

The term "free trade" although often used, is seldom understood alike by different speakers and writers. The meaning attached is widely different in various localities. In some it is claimed, in reference to foreign commerce, to imply trade as free and unshackled as the intertrade between the different States, or towns in the same States, with no custom-house duties or taxes of any description. In others it means foreign trade freed from all duties except those imposed for necessary revenue, and those without discriminations in favor of the principles of protection. Some suppose that the advocates of free trade design to dispense with all indirect taxes to support the federal government, and to rely exclusively upon direct taxation upon the property of the country for its revenue. Such a principle would throw the whole expense of the government upon past accumulations, instead of distributing it indirectly upon consumers in proportion to their use of imported articles, as is now the case. It was never assumed that Mr. Wright was a free trade man in this sense of the term. It has been common for protective tariff men of the north to impute to southern men the intention of abandoning all indirect taxation, with the view of substituting direct taxation upon property to meet the financial wants of the government. Southern people have often, and to some extent correctly, imputed to the north the purpose of imposing high duties upon certain foreign imports, not for the purpose of raising revenue, but for the protection of their local industries, and thereby unnecessarily and unjustly

increasing the cost of articles which they consume. No small share of the sectional feeling which exists between the north and south has its origin in this question.

In his address at Watertown, in 1844, Mr. Wright explained in his clear and masterly way, the various views taken of this question. He presents the grounds of difference between the two sections of the country, and shows that there is less real diversity of opinion than in the manner of expressing their views. We copy from this address all which relates to these subjects:

Extract from Mr. Wright's Speech at Watertown.

"Every election brings with it to us issues of vast importance, dividing the two parties of our country. This election has brought along with it, with many others much discussed before you four years ago, one of pervading and universal interest. I refer to the question of a tariff. It is a vast question — a question of great complication — but I believe with a little of your calm, dispassionate reflection and a fair draft on your candor, we can arrive at conclusions clear and unquestioned even upon this intricate subject. What is the difference between the two parties on this subject? Our opponents tell us they are in favor of a protective tariff; and that a protective tariff, as they understand it, is a source of almost every blessing, individually and collectively to every portion of the whole country. That we may understand each other perfectly, let us first ascertain, if we can, what we should properly understand by a protective tariff; for I believe a brief examination will satisfy us that a confusion and misapplication of terms has produced as much difficulty on this great question as any other cause. But first, to remove from our way as democrats a stumbling-block which our ingenious opponents placed there, let us look at what they mean and how we should understand them when they tell you that we are the free trade party of the country, and refer you to a portion of our brethren at the south, who assume that name. It is a misapplication of terms to us. We know and feel it. We are not in favor of free trade in the proper, fair and legitimate sense of these

terms. Are our southern brethren so? Do they desire a repeal of all duties and that the necessary revenue shall be raised by a direct tax on property? I cannot answer any further than I am informed; but I will give you in candor and frankness the information I have. I admit, when I saw this name assumed by those who acted politically with me at the south, it startled and alarmed me. I could not conceive that men of sense, of information, of extensive practical experience should have adopted notions of that stamp, as practicable under our government. On repairing to Washington at the commencement of the last session, finding that this subject must be pressed on us for discussion and action, I went to some of these southern members of Congress whom I had known many years, men of truth and candor, and whom I thought men of sound views, and said, 'I beg you to tell me if you have satisfied yourself that our revenue system is all wrong — that we should no longer tax foreign imports to raise revenue to support the government, but have a direct tax upon the property of the country?' 'No,' said the first man I asked, 'I entertain no such opinion never have, and I know of none who do.' 'Well, then, will you be good enough to tell me what you mean; you call yourself a free trade man?' 'I do so, and mean this: I am friendly to having the trade of the country kept as free as it can be kept, and raise the revenue necessary for the support of the government; and when it is so, I call it free trade, because it is as free as our institutions will permit.' 'Then, sir, you are in favor of a tariff for revenue and of so much duty as may be necessary to support the government?' 'To be sure — as much so as yourself;' and here was the explanation. Though he called himself a free trade and anti-tariff man, he was in favor of a tariff for revenue; and opposed only to a tariff laid for the mere purpose of protection alone. This was the explanation given by all these gentlemen of their positions as free trade men. If they were candid, if they told me the truth, they are not free trade men, though they call themselves so. For free trade necessarily implies an entire absence of duties, and I have not yet met the first man in public life in this Union, who will admit in conversation that he is in favor of such a principle.

"Mr. W. went on to advert to another misapplication of terms

He said to these gentlemen that he was in favor of a protective tariff, and the reply was, 'you are in favor of a heresy, an oppression, an inequality in the administration of the government.' But what was a protective tariff in the proper sense of that term? It was a tariff, in his judgment, imposed for the great purpose of supplying the government with revenue, and so arranged as to protect, as far as they may be protected, all the great interests of the country — the main and principal object of which should be revenue for the public treasury. Even his southern friend would tell him that he found no fault with that, but what he understood by a protective tariff would be a tariff of duties imposed, not to raise revenue for the treasury, but purely and simply to protect certain favorite and particular interests to the prejudice of others. Neither was Mr. W. in favor of such a tariff. Here, then, was an explanation of what Mr. W. meant by a protective tariff and of what his southern friend meant by free trade. Where then is the difference between us?

"Mr. W. stated what his rule would be in arranging a revenue tariff. He would by no means lay the same rate of duty on every article of importation. The thing was impracticable in itself; because one article would not bear ten per cent until you prohibited it, and destroyed revenue. Another would bear fifty per cent and yet the trade hold up, from the nature of the article. It was absurd to say 'put a uniform duty on both.' Because, do that, and you either fail to get the revenue you want or you prohibit the importation altogether. Mr. W. would then discriminate according to the nature of the article. That would be one ground of discrimination. Another ground: Every community consumed of foreign imported articles a portion of which are really necessaries of life or have become so among all classes. Another portion were emphatically luxuries. They were purchased and consumed to gratify taste, the pride of dress, the pride of living, the style of our houses, equipages, etc. Would he tax the two classes alike to raise revenue? Would he tax the necessaries of life which every man, woman and child must consume, and the luxuries of the rich equally? No. He would tax the necessaries lightly as he could, and secure the necessary revenue; and he would tax the luxuries as

heavily as they could be without destroying revenue by cutting up the trade. This was another ground of discrimination. But there was another and third ground. There were certain interests in this country which came in competition with similar interests in foreign countries; and Mr. W. would discriminate in reference to them. When an importation came in competition with a domestic article, he would raise the tax on the foreign article, as far as revenue required, to favor the domestic. But he would not go so far as to defeat the object of the whole — the obtaining revenue for the treasury.

"To see how far we might go, take first the agricultural interest of this section of the country. Where were the articles you could benefit by a tariff? What were our principal staple articles? Bread-stuffs were one. Could you benefit the farmers and the growers of bread-stuffs by putting a duty on foreign bread-stuffs? No. Why not? Because we do not import bread-stuffs, but export them. We look for market, not merely to our own country, but to the whole world, and we send our flour to all quarters of the globe. What then made the price of our flour and where was it made? In the great markets of our country, in New York, Boston and Philadelphia principally. What governed the price there? Was it the call of our own people on those towns for flour? No; but the entire demand for flour in New York governed the price there, as well the demand for exportation, as for consumption. What good then did our duty on foreign flour and wheat do, when foreign flour and wheat did not come here? None whatever. The duty neither brought money into the treasury nor into the pockets of the farmer. This was no fault of the law, but resulted from the impossibility of protecting an article so as to raise the price while we regularly exported it. So with our beef. We did not import beef for consumption. We raised more than our people would buy, and we looked to other countries for a market for our surplus. Then the duty under the present tariff (100 per cent on the present price of beef) did our farmers no good. It could not. Follow on with your cheese. The present tariff imposed a duty of nine cents a pound on cheese. Where was the farmer of this or any other county in the State, who could say that this has had even

a little effect on his cheese this year. Aye, I fear it will prove to be true, that the farmer will be glad to get even half the duty for the whole price of his cheese. So the duty of these articles was of no practical utility — not because the fault was in Congress or the law, but because we exported these articles and they therefore could not be protected. If, then, these articles were out of the reach of protection, so far the agricultural interest was beyond the reach of protection. Where did the farmer come within it? On his wool. We never exported wool. We did not now. We did not grow as much as we consumed. Every year we imported foreign wool. Was it not easy to see how our duty protected our farmers? For when the Spaniard or Belgian brought his wool here, he must first pay our duty and meet our farmers on equal terms. The duty then was a protection and the article was subject to protection. It would be reached by Congress in regulating this tariff law. He would then raise the duty high on wool in proportion to articles that require no protection. He would do this for the protection of one great interest. But would he go so high that wool could not be imported? Prohibit importation, and thus defeat any revenue from wool? If he did, what would be the consequence? It would give the farmers who raised wool a perfect monopoly of the market. They could command their own price, according to the demand for wool, the foreign article being excluded; and every citizen who did not raise wool and must wear woolen cloth, must pay more. And where was his remuneration? If he paid a revenue duty, his remuneration would be revenue and relief from taxation. But if foreign wool was prohibited it paid nothing into the treasury, and in addition to the price of woolen cloth, something else must be taxed. This would be clearly not protection but prohibition. And here was the difference between us and our respected opponents. They went for all the duty they could get — all you could impose — for prohibitory instead of protective duties. This Mr. W. was against. He would not raise up a monopoly among our farmers, any sooner than among our manufacturers; and no sooner among our manufacturers than others. He believed in fair, healthful competition in every trade and everything. But he would protect the farmer where he could.

"See the inequality of this prohibitory policy. In reference to wool, you benefit the farmer and give him a monopoly. You get no revenue. His neighbor raises grain, another beef, another butter, and cheese and pork. You cannot protect them, and yet you must tax them on some other article of consumption, to supply the treasury the revenue of which it is deprived by your prohibition of wool. Is this fair, useful, equal, just? To my mind it is not either. So long as you derive the revenue and your duty is a revenue duty, with protection as an incident, all other interests derive an equivalent, because you get revenue. But prohibition sinks revenue and raises prices. In other words you establish a legal monopoly.

"Carry this along to the manufactured article. Wool is the essential article of northern agriculture which can be protected. Hemp, in the south-west and west, can also be protected, though I think the time is close by when that will cease, for already several cargoes of American hemp have gone to Europe and the experiment has proved very fortunate. As the new States continue to open, it will come to be an article of exportation. Now it is protected. The sugar of the south is a protected article. It is highly protected. But protection there yields revenue. It soundly taxes us as everybody can testify. But suppose you carry the duty to prohibition, and to protect the sugar growers of Louisiana entirely exclude the foreign article. What would we pay for sugar, and what our remuneration for the $3,000,000 of revenue from sugar? We should be taxed on some other necessary article, to supply the deficiency of the treasury. This is an illustration of the prohibitory system, and if just and politic in one instance, one interest will demand it as strong as another.

"During the last session I was one of those who was willing to modify the present tariff. I would not have agitated this subject voluntarily, although I believed that while the law contained many good things, it also contained many unjust and bad ones. But I was willing when the subject came up, and I was compelled to act, to do what I believed to be right. I will give one instance in which I thought the law defective. As to this very article of wool, I think the duty on fine wool sufficiently high. I think, with safety to our farmers, it might be reduced some — made to yield

more revenue, and yet be an equally effective protection to them. Whether I am mistaken or not, time will determine. But I speak of the duty on coarse wool from abroad. There is a description invoiced abroad as costing not more than seven cents, which pays a duty of five cents on the dollar in value — a practical duty of three mills on the pound of wool. It is said that this wool don't come in competition with ours. We grow no wool worth seven cents, it is true; but our farmers do raise wool that will answer the very same purpose that this does, to every practical extent. With my own eyes, on my journey from Washington in the month of June, I saw in Vermont a manufactory, surrounded by wool growers, employed busily and exclusively in working the wool of Smyrna, which paid five cents duty on the dollar, or three mills on the pound. Another factory across the street was working American wool. Both make the same goods, satinets for the New York market. How stood these manufacturers with reference to protection? Precisely alike; the cloth made by each is protected by a duty of forty cents on the dollar. But the wool manufactured by one is protected by a duty of forty cents on the dollar, and by the other with a duty of five cents on the dollar. Is the protection equal? It is a protection to the manufacturer equal in both cases. But if the coarse wool was charged with as much duty as the fine, would I have found one factory working the wool of Smyrna? No. If it is right to protect the manufacturer, it is right to protect the farmer also, and to the same extent. There are a vast many others. A great many duties under this law are what are denominated specific duties; not duties on the value but on the pound weight of goods. Take the strong, firm, black silk, which is an article worn generally in all our country towns and villages. Weigh a piece of it; value it. It will weigh about double the number of yards of fine, figured French silks. It will cost half as much money abroad. Yet the pound weight pays the same duty of $2.50 in the one case and in the other. What is the consequence? The plain farmer's and mechanic's family, who do not or cannot indulge in silks beyond the plain substantial dress, of the description I have designated, pay about double the duty that the family does that indulges in the extra fine and

light silks of France. I think this is perverting the whole matter. If you favored either you should favor those who purchase and wear the more necessary article. I do not pretend that a silk dress is necessary; but it is very desirable and comfortable to our wives and daughters and sisters, and we desire them to have them; and because we do, shall we pay double or treble what the lady does who is able to wear the rich silks and gaudy laces of foreign countries?

"Again, our coarse cottons — and I speak in the presence of those who understand this better than I do — take our duty on cotton manufactures. They are not specific; but there is another contrivance applicable to them, called a minimum duty, which may thus be explained: The law says every yard of cotton, bleached or unbleached, shall be valued when imported at twenty cents the square yard, and on that value, pay a duty of thirty cents on the dollar. Now, of all the cotton worn by the mass of citizens of this country, what does the square yard cost abroad where it comes from? What do you suppose is the average? We purchase, I believe, in the retail stores, at from six to sixteen cents. It is a fine and rich article when you go beyond that. The average would be ten or twelve and a half cents. What would be the cost abroad? Some of it six or seven cents — the mass of it. What is the duty? Why, you must value the yard at twenty cents and on that value pay a duty of thirty cents on the dollar. You value it at two or three times as much as it is worth and then add thirty per cent, thus making the duty sixty or ninety, and as the tables will show, 120 per cent. Take those who can afford the shirtings and sheetings that abroad cost twenty cents. What do they pay? Thirty per cent duty. Here the true principle is reversed. The necessary article is taxed the highest, if not entirely prohibited; but the domestic competition relieves us from a grievous monopoly in that part of the tariff. Take up the tables of importation, and you will find the bleached cottons coming in on the highest valuations. Take the calicos. Value every square yard at thirty cents; then charge a duty of thirty per cent on that. All of you purchase calico. What do you pay for the mass of wear in this country? Twelve and a half to sixteen cents. But the statute values it at

thirty and then charges a duty of thirty cents on the dollar. Take calico which costs abroad thirty cents. That pays thirty per cent duty, while the plain and cheap article, in common use, pays a duty of double and treble that duty. Here the true principle is again reversed. The cheaper and necessary article is the highest taxed. There is a discrimination — but the wrong way. And here I think the law defective. I doubt if you don't discriminate enough on these goods, when you make a uniform duty on the value of all. If it is necessary to tax cottons thirty per cent, tax all the same. Not put an artificial value on the poorer article to increase the duty. Still, I would protect generously — and go the full extent of what is just — these manufacturers of cotton and wool. They should be protected, but not in this unequal way.

"Let us consider, as connected with these articles, the prohibitory policy, for that is the policy of our opponents. Suppose we carry our duty on woolens and cottons up to prohibition, and to protect our manufacturers — and incidentally, in the article of wool, our farmers — we go so high with our duty as to prohibit importation. We first give our manufacturers a monopoly of the market. Then we have only domestic competition to protect us from exorbitant prices. But we lose $6,000,000 of revenue, and we must be taxed on some other articles to make it up. And I ask any man who has the curiosity to examine the subject to go to the tables of importations, for any number of years, and see on what he can lay duties to supply this deficiency of $6,000,000 made by raising this prohibition. I know of none but the tea and coffee, which are now free. And would it be right to give the manufacturers of wool and cotton a monopoly of the market, and then tax the whole community on these necessaries of life? I believe it would be unjust, unequal and most impolitic.

"But we are told this policy is necessary to protect the labor of the country — and that it is the productive labor of the Union which we desire to protect by this prohibitory system. Let us see how far the labor of the country can be protected — how far it is in the power of Congress to protect it. We have already seen that labor employed in raising grain, beef, pork, butter and cheese cannot be protected, because you cannot by duties change

the value of them. We export them. Then you cannot protect that class of the labor of the country; you cannot protect, in this sense, the manufacturing labor. Let us see how it will operate, and how far the labor will be benefited. Here [alluding to the village of Watertown] are manufacturers, I believe, and all about you are farmers raising grain, beef, pork, and making butter and cheese. Now, the manufacturers are protected by a duty of, say thirty, forty, fifty, sixty per cent on these articles — at least an average of thirty or forty. We will assume that they can afford to pay twenty or thirty per cent more for labor. But the farmers all about them, the mechanics in the village not engaged in these branches of manufacture, cannot afford to pay more. Will the manufacturer say, 'here is a farmer — he can't pay more than seven dollars a month — but I am protected — I can afford to pay fifteen dollars.' Is that your experience? I doubt not that there are many laboring men here. Or will the manufacturer come to you and pay just as little as will hire you away from the farmers? If the farmer pays ten dollars, the manufacturer will pay eleven. But, though he can afford it, will he pay fifteen? My experience is not so. My study of human nature teaches that it is not so. Every man will hire labor as cheaply as he can, and pay enough only to hire the best labor.

"One farmer turns his attention to growing wool. He wants two or three hired men. A neighbor of his raises wheat, and he wants one, two or three. Another raises cattle, and keeps a dairy. Well, the wool-grower is protected by forty per cent on wool. Does he pay forty per cent more for the labor he hires than the man who hires labor for his grain and beef? No. All pay as little as they can command the labor for. If there was a deficiency of labor, the wool-grower would, most likely get it, for he can give most. Don't understand me to suppose that the farmer receives the same compensation for labor that the manufacturer does — but I mean according to the branch of labor in which it is employed. What controls the price of labor? The aggregate demand for labor in the whole. All who want to hire will go into the same market, and all pay nearly the same wages, in proportion to the description of labor they want. Now you cannot protect but one out of several branches of agricultural

industry. How then can you protect labor by extending a monopoly to them? No further than you can extend the aggregate demand for labor and raise up the whole. And you can judge how far protection on wool will raise the price of the whole agricultural labor of the country.

"But our opponents tell us you stop short. There is another position that will help you out of difficulty. You must change your system and your prohibitory policy, turn so much labor to manufacturing employments that manufacturers and mechanics will eat up all the agricultural products of the country. Then you give a home market to our farmers, and thus protect all their productions. That is true. If, by law, you can turn so much of the productive labor of the country to manufacturing and mechanic arts as to make these branches equal to the consumption of all the agricultural products, and we cease to export breadstuffs, beef, etc., then you can protect the farmer in his whole interests. But how will it then stand with the manufacturing and mechanic interests? Will the farmers be able to turn round and buy all the manufactures of the country? For if they cannot, your system is just as bad, only you have changed sides. Now, the farmer cannot be protected, even though there are heavy duties on agricultural imports. Then, the farmer would be protected to the whole extent, and the manufacturer could not be protected at all; because, for the sale of two-thirds of their articles they must depend upon exportation; and the moment they are compelled to go abroad for a market they are as much beyond protection as the farmer is now. Then how will it stand? Will the country be the gainer? Will it be in a more prosperous and healthy condition? And, especially, will the manufacturing and mechanical interests be better off? We can answer this question, if we will believe in experience and history. The government of Great Britain, to which we are pointed for an example of the wisdom of this prohibitory policy, have gone through with this. They have tried the experiment, and most effectually. They commenced by protection to manufacturers, by seventy and one hundred per cent duties. But they had a more efficient system than we have. The British government neither depends upon public opinion nor on constitutional restrictions to

carry forward its policy. What did they do? At the start, when it became an object of government to protect a particular interest, they said in terms, in the law, 'this shall not be imported.' And for two centuries the importation of woolen cloth into England was entirely prohibited — no duty about it. It was made penal for any subject to wear cloth not spun and wove within the realm. Well, they forced enough of their population into manufacturing to consume all the products of agriculture. What is the consequence? Population increased. The farming interest turned back on them and demanded protection against foreign bread and foreign meat, and foreign provisions, and now have got a protective duty of more than 100 per cent on every necessary of life; and the manufacturing labor of the country is starving to death. That is experience. There the thing has been tried. And now they have got to a point which is unchanging so long as the agricultural interest can control. Let me add a word which may be relevant to a state of things with us. How is it that the agricultural interests of Great Britain, composing seven per cent of its population, are able to command the legislative policy of that great country? It is because, in the course of the pursuit of this policy, there has been built up a debt resting on the land of the country — the stock held by the landholders and landlords of the country — which the government cannot pay, and through its credit and its debt the landed interest commands and must command, while that monarchy exists, its legislative policy. And it can command protection to its wheat and beef and other productions while the laborer starves at his loom and spinning jenny. Do we, fellow-citizens — and I am sure I address a people a large majority of whom are farmers — do we desire any monopoly to the agricultural interest? [Cries 'no,' 'no.'] Then the manufacturing and mechanical interest should not — as wise men among them do not — desire to drive the agricultural interest, by seeking a monopoly for themselves, to this result. Because the road is plain. It is a beaten track. Not England alone; but France, Spain, Austria, have followed it to the same conclusion. Now the argument is — 'Protection against the pauper labor of Europe.' How has that pauper labor been produced? By carrying out the prohibitory policy. We

should protect ourselves to the whole extent of the revenue of our government, with the exception of what we enjoy without taxation, by duties on imports. Beyond that would be impolitic as it would be unjust to go. But I am detaining you too long on this subject. Another word shall close.

"What is this system of benefits which our opponents so urge upon us, and to oppose which, they say, is anti-patriotic and anti-American? Strip it of its imaginary qualities, and the beauties of rhetoric in which they dress it up, and it is a system of taxation on the people. And did our Revolutionary fathers ever dream, when they were conferring on the federal government this tremendous power of taxation, that the people were to stand up in mass and instruct their representatives — 'tax us on, tax us on, because by taxation you can drive us into unexampled prosperity?' Fellow-citizens, it is a fallacy. Divest the human mind of prejudice and it will detect the fallacy at once. It is not a system of blessings at all; and if our government required no revenue, no Congress would be permitted to lay taxes to tax you into prosperity. This is all the benefit — all the honest part of the intention — that by a just regard to the different interests of the country, by an honest exertion of the taxing power, you may relieve burdens on the community. Tax lightly the necessaries of life, and you relieve taxation on the poor and laboring classes. Tax heavily the luxuries, and you reach property that should bear the heaviest portion of taxation. Where your interests conflict with foreign interests, bear taxation on the foreign article as hard as it will bear, consistent with revenue. You fill the treasury and relieve taxation from another source. What I pay for my coat or cotton wear I do not pay on anything else, whilst I aid an important interest. But the moment you depart from that principle, and consider any system of taxation a blessing, I have shown you by the history of the old governments of this world, where the mistake must lead."

CHAPTER CXLIV.

THE ANNEXATION OF TEXAS AND THE OCCUPANCY OF OREGON.

The motives for annexing Texas to the United States were nearly as numerous as the prominent actors. Mr. Jefferson's acquisition of Louisiana, in 1803, made Texas legitimately ours. The strong desire of Mr. Monroe and his cabinet, in 1819, to acquire Florida, then belonging to Spain, and which had long been the source of innumerable annoyances to us, induced them to exchange Texas for Florida, and to pay $5,000,000 to American citizens having just claims upon Spain. Except for peace and good neighborhood, this acquisition has proved of little value, while Texas, from her soil, waters and climate, since the Americans have controlled there, has become immensely important, and is now spoken of as suitable to be subdivided, so as to form three States of large size and sufficient population to be admitted into the Union on an equal footing with the original thirteen States.

Some were anxious to enlarge our territory; some to increase and extend slavery and slave representation in Congress; some to secure southern preponderance in the election of President; some desired our government to fight with Texas against Mexico; others looked to federal and other offices in Texas, and still others sought to use the question as an element of defeat of Mr. Van Buren for the presidency in 1844, in which they were successful, as it drew from his support, in the nominating convention, nearly the whole southern delegation. He, and many others, believed that incorporating Texas into the Union, while Mexico claimed it as her lawful province,

and was seeking by force of arms to reduce it to obedience, would involve us in a war with her with the sympathies of other nations strongly on her side, while we should be looked upon as engaged in it to wrest from a weak neighbor a valuable portion of her rightful territory. Such expectations ere long became historical facts. When Texas was admitted we fought Mexico out of the State and out of New Mexico and California, paying her $15,000,000 to fix her boundaries where we desired.

Mr. Upsher, Secretary of State under President Tyler, made a formal proposition to the President of Texas to annex her to the United States. This resulted in a treaty between Texas and the United States, which was signed by Mr. Calhoun, who had succeeded Mr. Upsher, and bears date April 12, 1844. After serving the purpose of defeating the nomination of Mr. Van Buren, and presenting a southern candidate for the presidency — James K. Polk — this treaty was rejected by the Senate. Instead of receiving a majority of two-thirds, which alone could ratify it, it did not receive one-third.

As the discussions in the Senate in executive session are nearly always with closed doors, we cannot give them on this occasion. Our readers will be deeply interested in examining the votes given on that occasion:

"*Yeas* — Messrs. Atchison, Bagly, Breese, Buchanan, Colquit, Fulton, Haywood, Henderson, Huger, Lewis, McDuffie, Semple, Sevier, Sturgeon, Walker, Woodbury — 16.

"*Nays* — Messrs. Allen, Archer, Atherton, Barrow, Bates, Bayard, Benton, Berrien, Choate, Clayton, Crittenden, Dayton, Evans, Fairfield, Foster, Francis, Huntington, Jarnagin, Johnson, Mangum, Merrick, Miller, Morehead, Niles, Pearce, Phelps, Porter, Rives, Simmons, Tallmadge, Tappan, Upham, White, Woodbridge, Wright — 35."

These votes, contrary to what has been widely circulated and stated in some published works, prove that Mr. Wright voted against this treaty. Nor is it true, as

often asserted, that he voted for the annexation of Texas to the United States. The resolutions on this subject were not passed until March 1, 1845, when he had retired from the Senate, and had been Governor of New York for two months. It was not admitted as a State until the twenty-ninth of December of that year.

The position of our government in relation to Texas was peculiar, and, in some respects, embarrassing. When we acquired Louisiana of France, under the treaty of April 30, 1803, it embraced, certainly, a large portion, if not all of Texas. The third article of this treaty contained covenants on our part from which our government had not been released, nor had it performed them except as to the States of Louisiana, Arkansas and Missouri. They were in these words:

"Art. III. The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess."

When purchasing Florida by ceding away Texas, this provision seems to have been overlooked. It was intended to protect the inhabitants there as well as in the other parts of the Louisiana purchase. It was claimed that our government had no lawful authority, while this article of the treaty was in force, to sell and transfer this portion of that purchase. It was insisted that the only way in which our government could relieve itself from this embarrassment was to re-acquire Texas and then fulfill its pledges. Those who thus reasoned felt less apprehensions concerning war with Mexico, than from the ill consequences of not keeping our engagements contained in the French treaty.

Our government and the British claimed Oregon. Our claim rested principally upon the discovery of the Columbia river at its mouth by Capt. Robert Gray, of Boston, who entered it May 7, 1792, in the American ship Columbia, who gave the name of his vessel to the river. In 1805, Mr Jefferson sent an exploring expedition (Lewis & Clark's) over the Rocky Mountains, who not only examined the valley of this river but various previously unknown regions in that part of the world. In 1811, the Missouri Fur Company established a trading post called Astoria at the mouth of the Columbia river. British fur companies established trading posts at Vancouver's Island and spread south and trapped in Oregon. To avoid these possessory acts ripening into perfect titles, and to prevent conflicts among the occupants, it was agreed by our government and that of Great Britain, on the 20th of October, 1818, that the country west of the Rocky Mountains should, for ten years, be open to both parties; which was not to prejudice the claim that either party might have to any part of the country, the object "being to prevent disputes and differences among themselves." By a treaty of August 6th, 1827, this provision was indefinitely extended, but subject to be annulled and abrogated on twelve months' notice by either party.

Among the questions agitating the public mind, before and after 1844, was, how far north our claim to Oregon extended. The national convention, which nominated Mr. Polk, declared that our rights extended to fifty-four degrees and forty minutes north. The presidential campaign was conducted upon this declaration. Mr. Calhoun, as Secretary of State, had proposed to establish, by treaty, the forty-ninth parallel as the true line. Col. Benton insisted that our claim extended only to it. President Polk, both in his inaugural address and first annual message, insisted that to fifty-four degrees, forty minutes, our claim was valid and just. But, in the

end, he took the opinion of the Senate in advance of making the treaty, and on their advice one was formed and ratified, establishing forty-nine degrees as the line.

Which parallel Mr. Wright held to be the true one cannot now be ascertained. In his Watertown speech, he insisted that our claim to Oregon was indisputable, and as the democratic party had, through the national convention, claimed to fifty-four degrees, forty minutes, we have a fair right to conclude that he referred to that parallel as the true one, and that our claim to that extent was, in his opinion, just.

In the summer of 1844, and before his own nomination for Governor, Mr. Wright addressed a mass meeting at Watertown, and availed himself of the opportunity to give some of his views on the subject of the annexation of Texas, and the occupancy of Oregon. Sherman Croswell, of the Albany Argus, reported his speech, from which we give the following extract:

Extract from Mr. Wright's Watertown Speech.

"There is another subject on which I feel bound to speak a word, a question which sprung up during the last session of Congress. I allude to the proposition to annex Texas to the territory of this Republic. I was called on officially to act on that great national proposition. It is not my purpose to discuss the matter before you, because one * who is to follow me, and who has paid more attention to the subject than I have, will do it ample justice. But to you I am bound to account for my official action on that great question. I felt it my duty to vote as a Senator, and I did vote, against the ratification of the treaty for the annexation. It has been supposed by some that I gave that vote from an unyielding opinion that annexation never should take place. That is not so. I have made up no such opinion. For the treaty I could not vote, and one of the reasons was that I believed then, as now, if we proposed to take that country into our confederacy, at the time and under the then

* The Author.

existing relations between Mexico and Texas, it was our duty, as one of the civilized nations of the earth, to go frankly, honestly, openly to Mexico and avow our wishes and designs, to offer to negotiate with her in reference to any claim she might have, and and to make to her character, honor and interest all proper and honorable tenders. I believe the honor, the faith and standing of this Union, imperiously demanded this course. Again, I believed the treaty, from the boundaries which must be implied from it, if Mexico would not treat with us, embraced a country to which Texas has no claim, over which she has never asserted jurisdiction and which she had no right to cede. On this point I should give you a brief explanation.

"The treaty ceded Texas by name without any effort to describe a boundary. The Congress of Texas had passed an act declaring by metes and bounds what was Texas within their power and jurisdiction. It appeared to me then, if Mexico should tell us, 'we don't know you — we have no treaty to make with you' — and we were left to take possession by force, we must take the country as Texas had ceded it to us, and in doing that or forfeiting our own honor, we must do injustice to Mexico, and take a large portion of New Mexico, the people of which have never been under the jurisdiction of Texas. This to me, was an insurmountable barrier. I could not place the country in that position.

"Again, the record sent with the treaty — the correspondence between our negotiators and the Texas commissioners and the British minister — was anything but acceptable to me. That correspondence did not present the true reason why that country should be annexed to the Union, if it should be annexed. It was, as all recollect, put upon the assumed ground that it was necessary to strengthen, defend and perpetuate the institution of slavery in the country. On this subject I speak with entire frankness. To say that I am a friend to the institution of slavery as an individual, would be to offend you. For no man living here in our society, can, in his heart, cherish an institution of that sort as a matter of principle. It is a libel upon a man to suppose so. Yet the institution exists among us. It existed in our State when the federal Constitution was formed. The con-

vention of 1787, the wisest body of men, unquestionably, that has ever assembled for civil purposes within the history of the world, made the compromises which enabled them to form the Union. Without it the Union never would have existed. What were they? To leave the existence, the measure and management of slavery exclusively to each State for itself. We most wisely and gradually abolished it with us. Other States, whether from choice or compulsion it does not become me to say, have not advanced so rapidly. But there is not one provision in that sacred instrument which I would less willingly disturb. It is to me as sacred as any of the others, and whilst I live, so far as my voice and action is concerned, the guardianship and disposition of it shall be left to those among whom it exists, without interference from me. God knows I consider it a deep enough misfortune on them and I am not disposed to increase the evil. Still, when called on, if I ever am, to extend and strengthen the institution by a measure affecting a country out of the Union, not in it, it is a different question and I shall desire, as I do desire, that that great question, which has no business to be connected with our party politics — had none at its introduction at Washington, legitimately in my judgment — that such a question should first be placed before the intelligent freemen of the country, discussed before them and decided by them. There it is now. There I cheerfully let it rest. I do believe that, in certain national points of view, the annexation of Texas would be important to the Union; that our southern border would be improved and strengthened; that our position would be strengthened and secured. It is a question which public opinion should pass upon and their servants should obey that opinion and will. Candor requires that I should go a step further. From the observation I have made — and I have endeavored to make it calmly and without prejudice or bias — I believe there is a growing inclination among the people of this country to extend our border in that direction. And I have now little doubt that if we live in that quiet and prosperity which we hope for, but a few years shall pass over until we shall see the Union indisputably, and, I believe, peaceably and honorably, embracing both Oregon and Texas. As to the Oregon territory, I have no more

doubt of our right to it than I have that New York is a part of this Union. I have, therefore, acted, as your representative, in favor of putting an end to the common occupancy between us and England, and extending at once our power and jurisdiction over that country. It would not be offensive if her neighborhood on our northern frontier should be satisfactory, but I have no desire to extend it on our west, or to turn it round on the south, if she should reach over to Texas. It is on such grounds that we should think of and discuss this great question of annexation. And well do I believe that when any European power should be seen attempting to colonize there — to set up another power on that border to disturb our quiet — that there will be but one sentiment among the democratic party and a large minority of the whig party: and that is, that we have enough of this neighborhood. My opinion of our duty is, that it will be wisely discharged if we attend carefully and practically to all the great questions which so deeply concern the Union as it is. Let us secure them, secure the equality and perpetuity of our system of law and constitution for that portion of our country over which the stars and stripes now unquestionably and rightfully float; and when we have done that, through the result of this contest, by putting our government in the hands of the patriotic men whose names wave over my head ['Polk and Dallas'], then let us take Oregon, which is ours, and Texas, if we choose, on proper and honorable terms."

CHAPTER CXLV.

THE WILMOT PROVISO AND DANGERS OF SECTIONALISM, AND IN NOT ADHERING TO THE COMPROMISES OF THE CONSTITUTION.

In their struggles for the ascendancy, politicians have never pressed into their services a more disturbing or dangerous subject than domestic slavery. Political slavery which strips men of their rightful privileges, grinds them down with onerous and crushing taxes, and forces them to face the front of iron war, when pressed by strong party considerations fails to produce as broad and deep agitation. While the one arouses sectional animosities inflamed by accusations of flagrant wrongs, often the invention of a prolific and lively fancy, the other is usually looked upon and dealt with as the idle complaints of an unreasonable political faction, given to growling and fault finding, even when blessings are conferred.

When the federal Constitution was formed, the question of domestic slavery nearly defeated that great work, although it was then supposed to be authorized in every State; but in many it had, owing to climate, dwindled to insignificance. Thirty-three years after, it shook the Union to its center, and its agitation ceased only with the adoption of the Missouri Compromise. In the seventy-fourth year of the Republic, the same question, assuming a sectional form, first agitated, and in the end ripened into an insurrection, then into rebellion and open and terrible war, in which a million of men are supposed to have perished.

Deep reflection had awakened the fears of Mr. Wright,

and induced him to dread sectional party contests, which might become civil strife and terminate in open war. There is too much evidence found in his own words upon the point to authorize a doubt that he desired to enlarge the area of freedom. The sympathies and instincts of his nature — open as noonday to all — of themselves, in the absence of expressed opinions, would compel us to believe this. But when and how and to what extent he should become an actor in forcing such an extension is a far different question. He could not bear the idea of becoming a political or sectional agitator, or propagator of simply one idea, ignoring every other consideration to support and sustain it. He thoroughly believed, and acted accordingly, that a thing right in itself could be one at a time, under circumstances and in a manner so as to produce unequivocal and positive wrong. Although opposed to human slavery in every form, and both of body and mind, he would neither violate the Constitution nor destroy the Union, with all its blessings, to secure its speedy abolition.

At the time of its introduction to the present time, different opinions concerning the motives of the originators of the Wilmot proviso and its leading supporters have prevailed. The Mexican war was pending. It was believed that ready money would exert a controlling influence with Mexico in agreeing to a treaty of peace and boundaries enlarging our territory, and a bill pending in the House of Representatives proposed to place $3,000,000 at the disposal of the President to promote that object. On the 8th of August, 1846, when this bill was under consideration, David Wilmot, a member of the House from Pennsylvania, moved this proviso as an amendment:

"*Provided*, That, as an express and fundamental condition to the acquisition of any territory from the republic of Mexico by the United States, by virtue of any treaty which may be negotia-

ted between them, and to the use by the executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted. *Provided*, Always that any person escaping into that territory from whom labor or service is lawfully claimed in any one of the United States, such person may be lawfully reclaimed and carried out of such territory to the person claiming his or her service."

This amendment was adopted by a vote of ninety-four to seventy-eight, only two northern men, Stephen A. Douglas and John A. McClernand, both of Illinois, voted against it. It was not finally acted upon before the adjournment of the Senate. The war continued; and Mr. Wilmot, at the next session, again proposed his amendment to the House bill, and it passed by a strong majority, but it was not acted upon in the Senate.

On the 4th of January, 1847, Preston King, a member of the House from Mr. Wright's district, brought in a bill appropriating the money desired by the President to aid in negotiation, which contained the Wilmot proviso. It passed the House, but the proviso was struck out in the Senate, and the bill finally passed on the 3d of March, 1847, without it.

Some insisted that the real motives of Mr. Wilmot and his friends were to secure and continue in their positions in Congress by the aid of abolition votes. Many contended that it was designed to defeat Mr. Polk's re-nomination for the presidency, by arraying the free States against him, and to render it impossible for him to obtain their votes. Other insisted that the purpose was to force him to continue the war, which brought the usual advantages to army contractors, until it broke down his administration. Still others contended that the object was to compel him to make a treaty, which would be offensive to the south, and for the ratification of which a two-third vote could not be obtained in the Senate,

which would naturally result in depriving him of southern support. Not a few believed that all these motives combined prompted the course pursued. It is not our object to determine upon the motives of those prominent in these proceedings.

But it is morally certain that no treaty, containing what this proviso required, could have been ratified by the Senate as then constituted. It is equally certain that this proviso occasioned sectional votes at the time, and to a considerable extent tended to produce alienation of feeling between the north and south, and not a few will ever believe that it laid the foundation of those sectional feelings and animosities that rent them asunder and occasioned the death struggle of the war and all the calamities that followed in its train, and that vast numbers of men have sought and acquired political elevation through such feelings regardless of the consequences to the Union itself.

The Legislature of New York, like many others, essentially contributed to this fatal sectional feeling by passing almost unanimously, on the 27th of January, 1847, the following resolutions:

"*Resolved*, That if any territory is hereafter acquired by the United States, or annexed thereto, the act by which such territory is acquired or annexed, whatever such act may be, should contain an unalterable, fundamental article or provision, whereby slavery or involuntary servitude, except as a punishment for crime, shall be forever excluded from the territory acquired or annexed.

"*Resolved*, That the Senators in Congress from this State be instructed, and that the Representatives in Congress from this State be requested, to use their best efforts to carry into effect the views expressed in the foregoing resolution."

The evidence is abundant to show that Mr. Wright did not sympathize with those who wished to embarrass the administration, or those who sought to protract the war or render it a failure, nor with those who sought

agitation, or the arousing, extending or intensifying sectional feeling. His correspondence fully and distinctly shows that he deprecated all such motives. No man was more steadfast in his opposition to the extension of slavery, or more firmly opposed to sectional agitation. There were virtues and views and consequences attributed to the proviso which could only exist in heated minds. Issues, outside of the proviso itself, were formed and vehemently discussed, which it did not present. On these issues the northern mind took one side, and the southern the other. The one saw slavery spreading over New Mexico and California, where it was then prohibited by the laws of Mexico, which would continue until changed by constitutional legislation; and the other, the abolition of slavery in the southern States, when neither consequence could possibly follow. If it had been adopted by that Congress, it could have been repealed by a subsequent one, and could not have bound a State when formed and admitted from the territory when acquired. It would have been like the Missouri Compromise, without constitutional authority and legally binding upon nobody. Like a theological war, the smaller and the less material the point, the fiercer and more concentrated the fight over it. Col. Benton, in his "Thirty Years' View," in a chapter on the "Wilmot Proviso, or Prohibition of Slavery in the Territories; its inutility and mischief," thus graphically refers to this subject:

"Congress, at this second application, granted the appropriation; but while it was depending, Mr. Wilmot, a member of Congress from Pennsylvania, moved a proviso, *that no part of the territory to be acquired should be open to the introduction of slavery.* It was a proposition not necessary for the purpose of excluding slavery, as the only territory to be acquired was that of New Mexico and California, where slavery was already prohibited by the Mexican laws and Constitution; and where it could not be carried until those laws should be repealed and a law for

slavery passed. The proviso was nugatory and could answer no purpose but that of bringing on a slavery agitation in the United States; for which purpose it was immediately seized upon by Mr. Calhoun and his friends, and treated as the greatest possible outrage and injury to the slave States. Congress was occupied with this proviso for two sessions, became excessively heated on the subject and communicated its heat to the Legislatures of the slave States, by several of which conditional disunion resolutions were passed. Everywhere in the slave States the Wilmot proviso became a Gorgon's head, a chimera dire, a watchword of party and the synonym of civil war and the dissolution of the Union. Many patriotic members were employed in resisting the proviso as a *bona fide* cause of breaking up the Union if adopted; many able and gentle tempered members were employed in devising modes of adjusting and compromising it; a few, of whom Mr. Benton was one, produced the laws and Constitution of Mexico to show that New Mexico and California were free from slavery; and argued that neither party had anything to fear or to hope; the free soil party nothing to fear, because the soil was now free; the slave soil party nothing to hope, because they could not take a step to make it slave soil, having just invented the dogma of 'No power in Congress to legislate upon slavery in Territories.' Never were two parties more completely at loggerheads about nothing; never did two parties contend more furiously against the greatest possible evil. Close observers, who had been watching the progress of the slavery agitation since its inauguration in Congress in 1835, knew it to be a game played by the abolitionists on one side and the disunionists on the other, to accomplish their own purposes. Many courageous men denounced it as such, as a game to be kept up for the political benefit of the players; and deplored the blindness which could not see their determination to keep it going to the last possible moment and to produce the greatest possible degree of national and sectional exasperation."

"Truly the abolitionists and nullifiers were necessary to each other, the two halves of a pair of shears, neither of which would cut until joined together. Then the map of the Union was in danger; for in their conjunction, that map was cloth between

the edges of the shears. And this was that Wilmot proviso, which for two years convulsed the Union and prostrated men of firmness and patriotism; a thing of nothing in itself, but magnified into a hideous reality and seized upon to conflagrate the States and dissolve the Union. The Wilmot proviso was not passed; that chance of forcing the issue was lost; another had to be found or made."

Col. Benton, during its existence, sympathized with the free soil party, but was deadly opposed to abolition and nullification. His views of the struggle on the Wilmot proviso were considered by his friends as the testimony of a clear-headed eye witness, giving honest and faithful testimony. His remarks cover the whole ground, he having viewed the matter in all its aspects. No one has denied the truthfulness of his assumed facts, and if admitted to be correct, his conclusions seem inevitable. With him, the great and all-controlling fact was, that slavery was forbidden by law in Mexico and could not get there, if we acquired any part of it, without a change of this law, and enacting one to permit its extension. This great and controlling fact was either not noticed or was not given the consideration it deserved. Few, if any, northern papers alluded to it at the time, nor did the south in any way give it any attention.

Mr. Wright, in referring to this subject in his letters, made no allusion to this ground assumed by Col. Benton. He wrote apparently under the impression that slavery could extend to any Mexican territory we might acquire, if not prohibited by the action of Congress, or through the treaty making power when making the acquisition. He was clearly right in wishing to secure the exclusion of slavery, and seems not to have understood that this wish stood legally gratified at the time, and that nothing but affirmative pro-slavery action could introduce it. He wished to guard a point which stood protected and defended, and could not, by possibility, be assailed.

From his stand-point he saw danger, and was prepared manfully to resist it. In viewing it from the position he occupied, he manifested, in a clear and striking manner, the sentiments of a manly and true democratic heart.

The Wilmot proviso was last moved by Mr. King, a member of Congress from Mr. Wright's own district. In a letter to Gen. Dix, his successor in the United States Senate, given in a subsequent chapter, Mr. Wright refers to this movement on this subject in terms showing that his opinions were formed under the supposition that slavery would spread, of itself, if not prohibited. He responded to the southern assumption which had no legitimate ground to stand upon, making no reference to the facts stated by Col. Benton and the conclusions drawn from them. He undoubtedly regretted Mr. King's action, of which he most tenderly speaks, although he uses no censorious language, but a feeling of that kind clearly pervades the letter, as will be seen on reading it.

The conclusions thus drawn are highly patriotic and eminently proper. He deemed it necessary, in order to refute unjust assumptions, injurious to the administration and the vigorous and successful management of the war, to sustain the proviso, to relieve the former from unjust imputations concerning its objects in the prosecution of the war, and to secure the confidence and support of the people in its prosecution. His views concerning the Missouri Compromise were just, legal and constitutional. He demonstrates that the objects sought by the proviso were illusory and unnecessary, in fact, and that the whole legitimate consequence expected to be obtained did not, in reality, relate to slavery, but to the attitude and purposes of the administration, and the successful prosecution of the war. Agitation, and its consequences, formed no portion of the objects which controlled his opinion or actions. His object, clearly, was to prevent agitation and excitement.

Mr. King coming from St. Lawrence, it was extensively assumed, if not by him by his friends, and inferred by many others, that his acts were occasioned by Mr. Wright's dictation, and it was claimed that he was responsible for them; and not a few insisted that he was, through these means, playing a game for the presidency. A portion of the democracy, and all his political adversaries, were assuming this ground. The annoyance arising from these assumptions increased with the lapse of time, and became so great that in the latter part of January he wrote the Author a very long letter, intended to be shown to Mr. King, on the subject of his course, accompanied with the following note:

"My Dear Sir. — Will you, after you have found time to peruse so much of the inclosed as you can read, return it to Mr. King inclosed safely, and ask him to send it to me at Canton. I have been frequently interrupted, and have run on to a late hour and at great length, and have not time nor patience to read over what is written and certainly do not recollect the half of it. I fear there may be many imprudent things said, though I hope you will not find what may seem to be evidence of intentional injustice. That has not been intended, nor has an unfriendly personal feeling dictated a single paragraph of the long letter. To guard against accidents, I wish you would return the scrawl to me, and I would be glad, at leisure, to look it over and see what it contains, and I may find the occasion for an explanatory and apologetic one growing out of it.

"It is now settled that we leave here on Monday morning next for Canton. Mrs. Wright joins me in kindest regards to Mrs. Gillet and to Silas, if with you.

"Most truly yours,

"SILAS WRIGHT.

"Hon. R. H. Gillet."

This letter is without date, but there is indorsed by me on the back "S. Wright, R., January 26, 1847. I returned through Mr. K. the letter that came in this."

I have been informed by a relative of his, that this returned letter was among Mr. Wright's papers soon after his death. But no efforts of mine have since been able to find it. It may exist somewhere, or have been purposely destroyed at the instance of some one. After a lapse of a quarter of a century it cannot be expected that I can give the contents of this letter, or more than a few general impressions remaining upon my memory. My impression is that in the letter I was requested to read it to Mr. King. I invited him to our parlor, in a Washington hotel, and, in the presence of Mrs. Gillet, I handed the letter to him to read. When finished he handed it to me, threw himself back in his chair and gave a forced laugh without making one remark on the subject then, or at any other time. I immediately returned the letter as requested. My recollections of its contents are substantially these: That it was an error to suppose that Mr. King, in his action, had done so under his advice, promptings or wish; that such action, being supposed to be through his agency, was placing him in a false position before the public; although he might feel it a duty to vote in favor of the proviso, he could never have introduced it or have become a party to its unnecessary introduction; that he called attention to its sectional character and the consequences which must inevitably follow. Whether he requested Mr. King to take any particular course, we do not remember; most probably not. But it seems to me that there was no commendation of his action, but in his quiet and inoffensive way an effective disapproval.

It is quite certain that Mr. King did not change his course and conform it to Mr. Wright's expressed views.

It has been suggested by some careless readers that Mr. Wright's views, expressed in his letter to Mr. Titus, were not in harmony with those above imputed to him. On the contrary, a careful reader will find, instead of a difference, a confirmation of them. He does not in that

letter, or elsewhere, say that he would have initiated the Wilmot proviso, or that it was a wise and prudent measure to be sprung upon Congress, although the principles upon which both it and the New York resolutions were claimed to rest were such as he approved. His deliberate and carefully expressed opinions contained in his 4th of July address of 1839, confirm the Author's recollections.

Mr. Wright to James H. Titus.

"Canton, *April* 15, 1847.

"My Dear Sir. — Your letter of the tenth, and its inclosures, came to me to-day, and I hasten to reply. None of the articles to which you allude had met my notice, although Mr. Bryant sends me the semi-weekly Post. I was not aware that my opinions on the subject of the Wilmot proviso had become a matter of newspaper discussion. I certainly was not aware that they could be a matter of dispute or doubt. I have not been ambitious to promulgate my opinions on this or any other public subject, but I have not at any time, as you are a double witness, withheld the expression of them upon this subject when called upon to express them.

"If the question had been propounded to me at any period of my public life. Shall the arms of the Union be employed to conquer, or the money of the Union be used to purchase, territory now constitutionally free, for the purpose of planting slavery upon it? I should have answed, No! And this answer to this question is the Wilmot proviso, as I understand it. I am surprised that any one should suppose me capable of entertaining any other or giving any other answer as to such a proposition.

"The two conversations to which you allude, the one had with yourself at Maj. Flagg's, and the other held at the boarding-house with Messrs. Townsend, Small, Stewart and Keyser, are fresh in my recollection, and in both of which I expressed frankly the opinions I entertained, both in relation to the proviso and Col. Young's resolutions, and these opinions were decidedly favorable to both.

"I have repeatedly stated in such conversations, and think I did to you in the conversation at Maj. Flagg's, that Mr. King, in making himself the author of the movement, at the last session of Congress, had acted without any consultation with me, and that, if I could have had my personal choice, I should have preferred that he would have left that to some other person; because it would be, and was, charged that he was acting from motives not avowed, and through my impulsion. Yet that I had no complaint to make against Mr. King, and no right to ask him to yield his sense of duty to my personal wishes, because I knew his opinions and the strength of his feelings upon that subject, and was therefore satisfied that he was acting from the most sincere, conscientious convictions of right, and that I considered his movement right in itself and sound in principle.

"I am surprised at the Globe articles, as, with the exception of such remarks as I have just repeated, as to Mr. King being the mover of the proviso, I can have said nothing from which any man could infer any disapprobation on my part of Mr. King's course, and I trust these remarks cannot properly be denominated disapprobation of his act, much less of his proposition.

"I have marked this letter 'private,' to show that it is not intended for publication, but I wish you to show it to Mr. Bryant. At the same time, I wish to say a word to you and to him, that when it can be properly avoided, I prefer not to have my personal opinions upon any public question made the subject of discussion in the public papers. It is impossible to separate such discussions, in the public mind, from an impression either that the individual himself wishes his opinions promulgated, or that his friends promulgate them because they think they will influence others; whilst if there is a dispute about what opinions are really entertained, the implication to my mind is that contradictory opinions have been expressed.

"I know that it is not, in this case, my friends who are promulgating my opinions, but that they are trying to correct erroneous opinions imputed to me. My only object, therefore, in this remark, is to request that the subject may be disposed of, so far as Mr. Bryant and yourself shall think it practicable, without a protracted discussion. It may be closed before you get this,

but if not, I suggest that Mr. Bryant should say in a very summary way, that he has no knowledge who the 'warmest and most sincere friends of Gov. Wright are, referred to by the Globe; but he speaks from evidence that proves them mistaken as to the opinions of that gentleman upon this subject; that he is opposed in principle to the conquest or purchase of territory, now free, for the purpose of incorporating slavery upon it; that he thinks it an appropriate time to declare that principle, when an appropriation is asked for to purchase the territory, and that such a declaration, made at such a time, is not in opposition to the administration, unless it be avowed that the administration wishes to acquire the territory for the extension of slavery, in which case he would think the administration wrong and the declaration right.'

"Something like this, I think, would end the matter or bring out the names referred to, and I have no idea of the latter, because I do not think there are any such names to be given.

* * * * * *

"With sincere respect,

"I am truly yours,

"SILAS WRIGHT.

"Hon. James H. Titus."

Note. — The residue of this letter, not relating to this subject, will be found under another head, where it properly belongs.

Mr. Wright distinguishes the "act" from the "principle" of the proviso, and nowhere approves of the agitation which followed. The administration, by no act or expressed wish, desired to plant slavery on free territory. President Polk soon after signed the bill for the government of Oregon, which incorporated the ordinance of 1787, prohibiting slavery in the territory northwest of the Ohio.

It is now matter of history that the Wilmot proviso, with its discussions and consequences, introduced sectional considerations into our political affairs, and eventually caused the overthrow of the democratic party; many of whose leaders, including Mr. Wilmot and Mr.

King, left their former political friends and rose to seats in the United States Senate, and enjoyed other high positions conferred upon them by the enemies of the democratic party, while those adhering to the principles and usages of that party have been made the victims of a policy which would have sickened the heart of Mr. Wright. He often expressed the opinion that the purity and permanency of our institutions, the welfare and happiness of our people, depended upon the ascendency of the democratic party, and the administration of our government upon the principles which they avowed and supported. He was not the sagacious and far-seeing statesman which all concede he was, if he failed to see where this sectional controversy must end as clearly as we know where it has ended.

The following extracts from his fourth of July address, above referred to, will show how well he understood the fatal consequences of not cheerfully carrying out in good faith the compromises of the Constitution, and the danger of agitating sectional questions. Although quite extended, their wisdom and patriotism will well pay for their perusal.

After pointing out various difficulties which the convention encountered in preparing our federal Constitution, he thus addressed his neighbors and friends:

Extract from Mr. Wright's Fourth of July Oration of 1839.

"Another difficulty of equal magnitude and superior delicacy met our venerable fathers in the convention of 1787, at the threshold of their most responsible labors. One of the earliest features in the policy adopted by Great Britain toward her American colonies, was the firm and extensive establishment within them of the institution of domestic slavery. At the time of which we speak, the institution existed in a large majority of the northern and middle States, and from the circumstances of

climate, pursuits, habits and various other incidents of established and settled society, was much more extensively and firmly incorporated with the existence and prosperity of the southern States. Hitherto, the slavery existing in the colonies had been a subject over which the colonies had had no control, and for which they could be held in no way responsible. The policy of the mother country was marked and settled, and its pursuit was determined and unyielding. Every attempt on the part of one of the colonies to check the growth or ameliorate the condition of the institution, or even to remonstrate against the policy, met the stern rebuke and the indignant frown of power at home. This state of things had continued for more than an hundred years, when the termination of the war of the Revolution made the colonies free and independent. Then, for the first time, it devolved upon them to manage and direct this fastly rooted, firmly established and widely disseminated evil. A forced inheritance from an unkind mother, it was upon their hands, was incorporated with the very organization of their society, habits and pursuits. It was thus placed as much beyond the reach of sudden and violent remedies as is the disease of the human body which has its seat in the heart and is diffused with the blood over every portion of the system. The idea of a republic, therefore, must be entirely abandoned, or the seeming anomaly must be encountered of organizing a free republican confederacy with the extensive existence of slavery within the States which should compose it. This was the alternative presented to the convention of 1787. Could the patriotic delegates who composed that body — men whose devotion to liberty had made them the principal and prominent advocates for the war of the Revolution and the independence of the colonies, most of whom had devoted themselves to and encountered the perils of the public service throughout that protracted and desperate struggle, and many of whom, with their illustrious president at their head, had followed the fortunes of the war and freely offered their lives as the price of the liberty they contended for — could such men doubt what was their duty,— what choice they should make? The fact of the slavery or the extent of its existence in the country was not to be affected, certainly not strengthened or magnified, by the plain

course of right or reason. The opposite alternative — an utter abandonment of all effort to organize a republic — might, indeed, have avoided the apparent contradiction of a free government with the toleration of domestic slavery, by continuing the white race in an endless subjection to some despotic and arbitrary power similar to that from which they had just discharged themselves by the force of arms and an immense expenditure of blood and treasure; by making them the enduring objects of the oppressions, exactions and contumely of such a power, and thus constituting for them a slavery not perhaps as perfect, but, considering the condition of the two races, far more galling and unendurable to them than is that to the African which holds him in involuntary servitude. Then, too, might African slavery have preserved its existence in its full extent and vigor to this day in all the States where it was instituted. Were our Revolutionary fathers to be the authors of superadded evils like these to their country and fellow-citizens? Never! The delegates assembled in convention did choose, and our present free and happy institutions of government are the result of their choice. The present greatly increased and rapidly increasing population and wealth and power of these States are the fruits of that choice. And does any one who hears me, does any American who loves his country her institutions and her prosperity, believe or feel, that the choice thus made was unwise or unpatriotic? Can any one make himself believe that the venerable framers of the Constitution of the United States were less lovers of their country and of liberty than their descendants of the present generation? That they were less pure and patriotic and conscientious than we are? And yet, under the circumstances in which they found themselves placed, they did not consider it a fatal impeachment of their republican principles or a violent outrage upon their consciences to tolerate domestic slavery, when it became essential to the establishment of a free government for the free citizens of their country.

"This was, at that time, a great and commanding interest in the States of the confederacy. Our own proud and powerful, and now free State, was then an extensive holder of domestic slaves. Such, at that period, was the fact with many other of the present free States. The interest, therefore, was one to be

compromised by the convention or their labors must come to a useless termination. They did compromise it, and how ?

"The nature of the institution was such as required that its police should be left unconditionally with the States where it existed. It was so left. Its continuance or abolition was purely a matter of State interest when the police was devolved upon their local governments, and all questions of private property were, of course, questions between the State and its citizens, and were, like all other questions in reference to all descriptions of property, in all the States, to be left to the State administrations. So far, therefore, the only duty of the convention was not to interfere with the State sovereignties. Yet there were other considerations connected with this delicate and troublesome subject, which could not fail to be pressed upon the convention and to require their action. The laws of the slave States recognized the slaves not only as property but as persons, and so far as they partook of the latter character, they necessarily formed a basis of representation which was established upon population alone, without reference to property. A recognition, too, of the institution in its anomalous form, in the provisions of the federal compact, was a matter of vital interest with the States of the south, where slavery existed most broadly and was most deeply interwoven with the existing organization of society. The basis of federal popular representation and taxation adopted in the Constitution is the compromise of the convention upon these points, and it will not fail to be remarked that while the free States may feel that the rule of representation is unfavorable to them, the slave States cannot forget that they pay for any advantage they receive in the rule of taxation. The terms of the provision are:

"'Representatives and direct taxes shall be apportioned among the several States which may be included in this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.'

"A further concession was yielded by the convention to this great interest, for a most valuable equivalent. It was vitally essential that the power 'to regulate commerce with foreign nations' should be conferred upon the national government, as

neither internal peace and harmony, nor external quiet and prosperity, could be reasonably hoped to be secured without this grant. The apprehensions of the slaveholding interest formed a strong impediment to success, and a compromise with that interest was effected in the following provision:

"'The migration and importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.'

"Here again it will be seen that the power of taxation, to a limited extent, was given for the temporary privilege conferred, limiting the force and effect of the clause to the strict letters of its terms. But it is now matter of history, and universally conceded, that the fair construction of the provision gave to Congress the power, after the time limited (1808), to prohibit the importation of persons, and thus cut up the foreign slave trade altogether, without being compelled to resort, for that important power, to the general grant of power, 'to regulate commerce with foreign nations.' The practice of our government, under the clause, has been, since the expiration of the period of limitation, in conformity with the construction here declared, and it is gratifying to be able to state has been no more strongly seconded by the representatives of any portion of the American people, than by the representatives of the slaveholding States. Was not here a compromise entered into upon sufficient equivalents? And has it not already resulted in an immense alleviation of that evil in favor of which it purported to be made?

"A single other provision of the Constitution touches this delicate question, and its justice shall be plainly submitted. It is in these words:

"'No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.'

"That this clause of the Constitution is applicable to the fugitive slave is unquestionably true, as he is held to service in the slave State 'under the laws thereof,' and that it is applicable to the legally bound apprentice and servant of the free States is

equally plain and true. Does the fact that the provision is broad enough to embrace the slave, vitiate it, and make it wrong to insert it as a part of that sacred instrument? Is it not just and proper in itself, and ought not the friendly relation to exist, and be perpetual, among the States of the Union? As applicable to the slave, is it not due to the previous provisions, which recognize and tolerate the institution of slavery, and respect the rights and interests of the slaveholding States? Could the fair faith implied by these provisions be carried out without this one, and can they now be available, in the true spirit of the compact between the States, without a faithful observance of this covenant also?

"Are there any who will blame our venerable fathers, the delegates of the convention of 1787, for giving their assent to this clause in our Constitution? All the old thirteen States assented to it, and to all the other concessions and compromises which have been mentioned as connected with the subject of domestic slavery. The people of all the States assented to them, and fifty years of internal peace and abundant prosperity have attested the wisdom of the convention, the patriotism and devotion of the States to the federal Union, and the intelligence and justice and faith of the people. What American citizen will now rise, and, claiming to be purer than Washington, the president of that convention, purer and more patriotic than the sages who supported him in the great work of forming the Constitution, as they had previously in the achievement of our independence, will cast the first stone at that temple of human liberty which they erected? Who, that loves his country, will open again the delicate and troublesome compromises thus solemnly formed, thus settled, and now consecrated by time and happy experience, with the hope of reaching better results from the present temper and feeling of the country? Who will cast upon the ocean of time and chance the invaluable blessings we have gained, the triumph to human liberty we have secured, for the dark and stormy prospect which presents itself of more perfect success in a new effort? Who will wantonly trample upon the faith we have solemnly pledged to our brethren of the other States, upon entering the confederacy, as a means of molding them to a more yielding

disposition in some future compact? Who will boldly strike out the Union itself and stake its fate against his sympathies for the slave?

"Look, fellow-citizens, at the pivot upon which the fate of this fair fabric of ours turned. One State was entirely unrepresented in the convention of 1787. A majority of the delegations from two States, among the largest class, and then both slave States, declined to sign the Constitution as adopted by the convention. A merely equal portion of the delegates from two other of the States, and one the second in population, could consent to give it their signatures. Majorities, and in some cases bare majorities, from four others subscribed to the instrument, and in but four States out of twelve did the entire delegations in attendance give their signatures. Thus imperfectly sustained and recommended, the Constitution was submitted to conventions of the people of the several States. It received, with as much promptness as could have been reasonably anticipated, the ratification and adoption of eleven of the States, while five of the eleven accompanied their assents with expositions of their understanding of the true intent and meaning of various provisions of the instrument, or with proposed amendments to it, or both, most strongly indicative of their distrust and fear of the workings of the system to which, from the most solemn convictions of public necessity and duty, they were yielding a reluctant assent. These ratifications enabled the Congress to declare the Constitution in force over the States which had adopted it, and to take measures for the organization of the government under it, which was done on the 13th of September, 1788. The 4th day of March, 1789, was fixed upon for the organization of the new government and the elections of President, Vice-President, Senators and members of the House of Representatives, in conformity with the provisions of the Constitution, were to be immediately made. The elections were made and the government organized on the day appointed, and still two of the thirteen States, one north and the other south, had not given their assent to the system, and were not members of the confederacy under it. The twelfth State came in unqualifiedly on the 21st of November, 1789, while the thirteenth held out until the 29th of May, 1790, and then accom-

panied its ratification with a long exposition, and with recommendations for amendments consisting of twenty-one articles. This restored again the Union of the States, completed the new system of government, gave it an extension over the whole territory of the original United States, and may be said to have terminated the civil, as the peace of 1783 had done the military, incidents of the American revolution.

"Still, the public mind was not at rest. Apprehensions were extensively entertained that the powers granted to the federal government were too broad, and that they would be made broader by unforeseen and unintended constructions. To prevent these evils if they should be real, and to allay apprehension if they were not, the Congress organized under the Constitution, at its first session, caused amendments to be prepared taken from the suggestions and recommendations of the several State conventions, consisting of twelve articles, which were, according to the provisions of the Constitution, submitted to the several State Legislatures for their ratification or rejection. These amendments were acted upon with reasonable promptitude by the requisite number of the Legislatures, and ten of the twelve articles which were adopted became part of the Constitution, while the two first did not receive the ratification of the requisite number of the Legislatures of the States and were rejected. Of the ten articles adopted, it is worthy of remark to notice that every one is restrictive of the federal powers, or declarative of the rights of the people or of the States, or both; and that not one word relating directly or indirectly to the subject of domestic slavery is found in either of the articles themselves, or in the expositions and recommendations of the State conventions which gave rise to them.

"But two other amendments have been made to the Constitution of the United States up to this day, the first of which relates to the suability of the States and was adopted in 1798, and the other relates to the manner in which the presidential electors shall give their votes for President and Vice-President, and was adopted in September, 1804.

"Such and so few have been the amendments to the Constitution, adopted and recommended to the people and the States by

the convention of 1787, and it would be more just to consider the ten articles of amendment first adopted as parts of the original instrument, incorporated upon it by the conventions of the States at the time of their ratification, than as alterations of it after it had met their approbation. In not one of these amendments has a single point been touched which was matter of compromise of any delicate or conflicting interest.

"Is it not unwise, as well as unfaithful to this sacred compact and dangerous to the permanency of the Union, for the people of the free States now to disturb the harmony of the country by threatening a violation of those compromises which disposed of the agitating question of domestic slavery in the country, and by virtue of which that question remained at rest for nearly the first half century of the existence of the Republic under the Constitution? To pretend that the subject of the immeditate abolition of slavery in the country can be seriously urged upon the national legislature, without disturbing these compromises of the Constitution, is to disregard as well the plain provisions as the spirit of the instrument; and to persist in the agitation regardless of these considerations, is to set the object above the Constitution, above the value of the Union, above the peace of the country and above the most solemn obligations of the citizen to observe and regard the rights of others, while in the enjoyment of his own.

"That foreigners, ignorant of the nature and character of our institutions and owing no duty or obligation to them; that citizens of that country which forced domestic slavery upon us, as though it was an institution best calculated to put far off the day when we should venture to spurn the protection of a monarch's arm or attempt to liberate ourselves from the despotism of a monarch's power, should be willing now to disturb the harmony of our country, to break its peace and perhaps overturn those enviable institutions which are so rapidly conducting us to wealth and power and greatness, by means of that very institution which was intended to perpetuate our colonial bondage, is not strange. That the subjects of that monarchy, schooled to bow before an earthly throne, and to cringe and tremble and be silent in the presence of hereditary aristocracy, should visit our country to lecture us upon the subject of liberty may not be as strange

as ludicrous; but that the high-minded citizens of our Republic should be led away by such teachers into conflicts with their political brethren, into excitements which threaten, not the quiet and harmony of their country merely, but the perpetuity of that sacred charter by which she exists as a united nation, is strange, is more than strange.

"Yet such things are, and is it not time that we should devote ourselves to examination? That upon this solemn festival, when we meet to celebrate the returning anniversary of our country's independence, we inquire, not simply how that independence was gained, but how it has been secured? That we examine carefully the history of the formation of our Constitution and our Union, and learn thence our duties to both, that we may transmit to our successors unimpaired and pure and perfect as they came down to us from the hands of our Revolutionary fathers, those richest of civil blessings.

"The field, fellow-citizens, is too broad for your strength or your patience. The history connected with the formation of our constitutional government has covered too much space to allow of comments upon the immensely important topics which nearly every step presented. A single instance, a single topic, as being one of present agitation and deep interest to the whole country, has called forth these reflections, perhaps, obtrusively; certainly to the consumption of too much of the time allotted to this address. Yet the topic seemed to demand the notice which has been given to it. The compromises of the Constitution are directly involved in it, and it is the only topic of present agitation in which the pillars of that charter of human liberty are directly assailed. It is, too, a local, a geographical controversy, and is sought to be made one of passion and sympathy rather than reason and judgment.

"In this aspect it is most alarming; most deleterious; but here the speaker will not attempt to characterize the efforts of agitators in his own language, but will use that of the sainted Washington; the father of his country, in his farewell address, his last great legacy to those for whom he had so lavishly periled his life, his fortune and his honor, in the field, in their most difficult counsels, and finally in the first administration of the execu-

tive power of that new government, the value of which it is our present object to impress upon our countrymen.

"Speaking of the value of the Union, Gen. Washington says:

"'The unity of the government which constitutes you one people is now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home, your peace abroad; of your safety, of your prosperity, of that liberty which you so highly prize. But, as it is easy to foresee that from different causes and *from different quarters*, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of *internal* and *external enemies* will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual and immovable attachment to it; accustom yourselves to think and speak of it as the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.'

"Again, speaking on the same subject, the value of the Union, he says:

"'In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations, *northern* and *southern*, *Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations. They tend to render alien to each other, those who ought to be bound together by fraternal affection.'

"Are these remarks prophetic of some of the agitations of the present day in our country? If so, let us more attentively review this advice, more attentively examine our obligations to the Constitution and Union, and more attentively guard ourselves against any influences, foreign or domestic, open or covert, which may have a tendency to draw us from our duty as faithful citizens of

the Republic, or to bring danger upon our country and its free institutions.

"Many other passages of this invaluable address would be quoted to you, but time does not permit. Many other points, which have been brought to my mind by the review we have taken, would be gladly discussed, but the same necessity compels me to pass them. I can, therefore, only say, from the danger which surrounds the passionate agitation of one of the compromises upon which the Constitution rests, we should take warning as to all that remain. Any approach to a change of that consecrated instrument should only be made in conformity with its own provisions, and even when it may seem to us that such a change is desirable, our whole ground should be carefully surveyed; the rights and interests and feelings of every State, and of the people of every section of the Union, should be fully considered and justly appreciated; our requests should be calmly and dispassionately made, and the results of the action of the constituted authorities be borne in that spirit and in that temper which gave existence to the Constitution and Union. Then shall we set an example to our political brethren of the other States which we may invite them to follow, and give evidence of our attachment to the confederacy, which should command their confidence.

"Finally, fellow-citizens, let us cling to the Constitution and Union, as the surest and most efficient mode of promoting the cause of liberty in our own country and throughout the world. Let our every obligation to both be discharged with wakeful vigilance, strict fidelity and patriotic devotion. Let us remember when the troubles we have reviewed were met, encountered and overcome, that but thirteen independent States, were to be consulted and conciliated, but some 3,000,000 or 4,000,000 of people united and reconciled; that half a century of the prosperous workings of our glorious system has doubled the number of States, and swelled our population to 16,000,000 or 17,000,000; that with this increase of States and population, and of consequent wealth and power, local and conflicting interests, sectional jealousies, rival feelings, and all the impediments to the formation of an efficient government, and a perfect union, which inter-

posed themselves, and almost overcame the resolution and patience and hope of our Revolutionary fathers, must have proportionably increased. And let these remembrances strengthen our zeal and fortify our determination to preserve the Constitution and Union they formed, for increased millions, over whom the blessings of both are daily and hourly diffused, and to transmit them, unimpaired, to the still increasing millions of freemen, who will soon succeed us.

"If there be those among us who, misled by a mistaken sympathy or sudden excitement upon any subject, are forgetting their obligations to the whole country, to the Constitution and the Union, let us use every effort of persuasion and example to awaken them to a sense of their dangerous error. If there are any who, for the sake of private interest, personal ambition or momentary political success, are willing to experiment upon the public passions, to treat lightly their constitutional obligations, to foment sectional jealousies and raise up geographical distinctions within the Union, let the absence of our countenance and support convince such that the personal gratification or public services of any living man are not objects of sufficient magnitude to be gained at the expense of the harmony of the country, the peace of the Union, or a single letter in the list of our constitutional duties. If among us there be any, which Heaven forbid, who are prepared, for any earthly object, to dismember our confederacy and destroy that Constitution which binds us together, let the fate of an Arnold be theirs, and let the detestation and scorn of every American be their constant companions, until, like him, they shall abandon a country whose rich blessings they are no longer worthy to enjoy.

"Toward foreigners and foreign nations let our conduct be governed by the strict rule of right: let our every duty arising under the laws of nations or the obligations of treaties be promptly and punctiliously performed; and then, neither claiming nor attempting to exercise a right to interfere in their internal affairs, or to control their civil or political institutions, let us give them, at all times and under all circumstances, to understand that we neither ask nor will receive any such interference from them.

"Thus demeaning ourselves as citizens of the Republic and of the great commonwealth of nations, if the time must come when our proud temple of freedom must fall, crushed by external violence or rent asunder by internal dissensions, let the freemen of New York sustain, erect and unbroken, that pillar of the structure committed to their keeping, that, when every other may be prostrate and scattered over the face of our fair land a mass of shapeless ruins, it may stand a monument of their fidelty to the perfect edifice, and of our unyielding attachment to constitutional liberty."

CHAPTER CXLVI.

LAND DISTRIBUTION AND ASSUMPTION OF STATE DEBTS.

The public lands have been derived from two sources, the original States granting to the old confederation their claims to lands west of the Ohio, which should be "considered a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or alliance of said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." All the grants from different States were in effect the same. All other public lands have been acquired by purchase under treaties with France, Spain or Mexico, or under treaties with Indians, by which we obtained their right of occupancy or possession.

Various propositions in relation to the disposition of these lands and the proceeds derived from their sales were made. Among these one by Mr. Calhoun to convey to the States where the lands were situated, to be sold by them and the net proceeds to be paid into the treasury. Another to distribute the proceeds of the sales to the several States, giving special advantages to the new States.

As early as the bank suspension of 1837, it was known that our States and business corporations owed European creditors over $200,000,000. These creditors became uneasy and desired the federal government to assume payment. At first this was whispered and then openly talked, and by 1840 it became a regular question mixed up with the presidential election, foreigners openly engag-

ing in it. Some urged direct assumption of these debts. President Tyler, in his first annual message in 1841, recommended the distribution of the proceeds of sales of the public lands, with the view of enabling the States to pay their debts and also to raise the price of State stocks, which had greatly fallen in market value, some of them not paying interest when due. This hope brought about Congress distinguished European bankers, and among them Wilson, Palmer, Crydor, Bates, Willinck, Hope and Jaudon, to furnish lobby refreshments, if not more effective arguments.

In addition to the five per cent on all sales made in the several States under the acts for their admission, the bill introduced provided for each 500,000 acres of land and then gave them ten per cent of the sales, leaving the residue to be equally distributed among all the States, Territories and District of Columbia, according to population. To ensure its passage, a series of measures, a bank, bankrupt bill and repeal of the independent constitutional treasury, were arranged to help each other. While this bill for distribution — in violation of the Constitution — was being carried through the Senate, a bill to borrow money was in progress through the House. The Senate bill became a law. But in less than one year the same Congress was forced to repeal a measure which had been looked to as one which would make the whig party the most popular and strongest which had ever existed in the country.

Had the law lived long enough to permit an actual distribution, further borrowing and taxation must have followed. The following picture of the system of taxation in England was at the time drawn by the Edinburgh Review, and produced a striking effect in this country. It is somewhat descriptive of the condition of things in this country of a recent date.

From Edinburgh Review.

"Taxes upon every article which enters the mouth, covers the back, or is placed under foot. Taxes upon everything which it is pleasant to see, hear, feel, smell or taste. Taxes upon warmth, light and locomotion. Taxes on everything on earth, and the waters under the earth, on everything that comes from abroad or is grown at home. Taxes on the raw material; taxes on every fresh value that is added to it by the industry of man; taxes on the sauce which pampers a man's appetite, and the drug that restores him to health; on the ermine which decorates the judge and the rope which hangs the criminal; on the brass nails of the coffin and the ribbons of the bride. At bed or board, couchant or levant, we must pay. The schoolboy whips his taxed top; the beardless youth manages his taxed horse with a taxed bridle, on a taxed road. The dying Englishman pours his medicine, which has paid seven per cent, into a spoon that has paid fifteen per cent; flings himself back upon a chintz bed which has paid twenty-two per cent; makes his will on an eight pound stamp, and expires in the arms of an apothecary, who has paid a license of £100 for the privilege of putting him to death. His whole property is then immediately taxed from two to ten per cent. Besides the probate, large fees are demanded for burying him in the chancel; his virtues handed down to posterity on taxed marble, and he is then gathered to his fathers to be taxed no more."

Instead of abandoning this scheme of buying up the States and people with the money of the federal government — the people's own money — the measure was long adhered to by the whig party and was made one of the issues in the presidential election of 1844, when Mr. Clay, who in the Senate had voted for it, was the candidate of that party. The democrats everywhere took ground against it, while the whigs as vigorously supported it. It was decided, by the election of Mr. Polk, that neither the moneys derived from the sales of the public lands should be divided, nor the debts of the States assumed by the federal government. The discussion of these

questions by Mr. Wright, in his Watertown speech, produced a decided and lasting effect upon the public mind, wherever heard or read.

In that speech, delivered in 1844, Mr. Wright referred to the land distribution system, and the assumption of State debts in the following terms:

"Another feature of the policy of our opponents, nearly allied to this (the tariff), is the proposition to distribute to the States the land revenue amounting to $3,000,000. Why is this? I do not say that all advocate it for the same reason; because, I doubt not, the representatives from some of the indebted States advocate it because they want the means to pay off these debts. But those leading members of the opposite party, who understand the objects of that party, and who are bold and frank enough to avow them, tell you that it is that they may secure more benefit under a tariff, and have a greater certainty of the continuance of a higher one. They advocate the policy of giving away the money you have from a permanent branch of revenue, and costing nothing, for the sake of an opportunity to tax you more for the current expenses of government; in a word, to pursue the system of blessings, by taxation on the people to the extent of some $2,000,000. Can this be wise? Can it be politic? Can it be equal or just? For I have shown you, that of all the great interests of the country, you can directly benefit but few; and that the only compensation you can give to others, is by so wielding the power as to fill the treasury, and relieve them from taxation in any other mode."

"Another deserves notice, though I do not mean to charge its opponents as a party. It is the proposition to assume on the federal treasury $200,000,000 of the debts of the indebted States of this Union. I do not speak from mere conjecture. The proposition was made by a committee of the last Congress, at the head of which was a prominent member of the whig party from Maryland,* and was pressed on Congress in an elaborate report of 500 pages. Leading journals of that party have followed it up, and within two weeks a prominent member of the other

* William Cost Johnson.

party, in addressing such a meeting as this, pressed it as one of the wisest measures, and urged its adoption. I do not believe the whig party, as a party, recognized it as a part of their policy; but does it not belong to their family of measures? If you are to have a bank, a prohibitory tariff, distribution and all that, a great debt is indispensable to protect the machine and make it work smoothly. That has been the main spoke in the British wheel, without which the machine could not work. But I am detaining you too long, and will relieve you in a few moments.

"I cannot but call your attention to the fact, and ask you candidly to say if it be not true, that there is a broad distinction in the general course of the two political parties and of their men who address you pending our elections, in reference to the policy they propose? And are not our opponents exceedingly apt, as in this instance of the tariff, to promise to us most liberally, most generously; and if performance followed, we might say most prophetically? In this case, their system of promises — and they will not feel that I do them injustice, when I say so — is at least liberal and flattering. But when we remember the charges they made against us four years ago, and the promises with which they beautified those charges, can we have entire confidence that another class of promises may not have equally unfortunate results? They told us we were going to ruin the country by extravagance in the public expenditures. They said we had plunged the country irretrievably into debt. They came in and showed that we had made a debt of $5,500,000, which in three years they made $20,500,000. They told us we had carried political proscription to great lengths; that we were destroying the liberty of thought, of speech and of the press by driving from office every man who ventured to express political opinions adverse to those of the ruling power. They came into office, and in three-quarters of a year removed more than double as many for political cause, as the democratic administrations of the twelve preceding years had removed. They said the government had become rotten — dangerously, ruinously rotten — by the appointment of members of Congress to office; and in three years their administration appointed more members of Congress to office than had been appointed in any eight years of any demo-

cratic administration. They promised us on all these points speedy retrenchment, reform and correction. They have deceived themselves. May they not deceive themselves and us again, if we trust them in regard to the prosperity which they promise will result from a prohibitory tariff?"

Mr. Wright had presented similar views in the discussions of this subject in the Senate of the United States, which we have given elsewhere.

CHAPTER CXLVII.

RIVERS AND HARBORS.

The power of the States to make internal improvements within their limits has never been questioned. New York has distinguished herself by magnificent structures of the kind, which have increased her business and added to her prosperity and wealth. But to what extent these can be constitutionally made by the federal government, which was instituted, among other things, to guard, protect and control external commerce and navigation, and to defend our soil from foreign aggression, and to raise revenue necessary for that purpose, has ever been a mooted question, and formed one of the dividing lines separating our people into political parties. The question of exercising by Congress of constructive powers not expressed in the Constitution, has, from the beginning of the federal government, and will ever continue to be, one about which men will differ, the democrats taking one side and their adversaries the other. Mr. Adams, when President, in his inaugural and in his first annual message, recommended a broad and extended system of internal improvements by the general government. This formed one of the leading elements of opposition to his administration. It called out two letters from Mr. Jefferson, one addressed to Mr. Madison, dated December 24, 1825, and another to Mr. Giles, under date of the twenty-sixth, from which the following extracts are taken.

To Mr. Madison he despondingly said:

"I have for some time considered the question of internal improvement as desperate. The torrent of general opinion sets so strongly in favor of it as to be irresistible; and I suppose that

even the opposition in Congress will hereafter be feeble and formal, unless something can be done which will give a gleam of encouragement to our friends, or alarm their opponents in their fancied security. I learn from Richmond, that those who think with us there are in a state of perfect dismay, not knowing what to do or what to propose."

To Mr. Giles he writes:

"I see as you do, and with the deepest affliction, the rapid strides with which the federal branch of our government is advancing toward the usurpation of all the rights reserved to the States. Under the authority to establish post roads, they claim that of cutting down mountains for the construction of roads, of digging canals, and, aided by a little sophistry on the words 'general welfare,' a right to do not only the acts to effect that, which are specifically enumerated and permitted, but whatsoever they shall think or pretend will be for the general welfare."

These letters were soon after published. Mr. Wright was, at their date, in the State Senate, and on the 30th of January, 1826, introduced the following resolution, which was fully discussed in the Senate, though it did not pass either House. It seemed, however, to call public attention to the subject, and contributed to the subsequent favorable settlement of the question during Gen. Jackson's administration.

"*Resolved* (if the Assembly concur), As the sense of this Legislature, that the power to appropriate the funds or moneys of the Union to the construction of roads, canals and other internal improvements, in or through the respective States, is not vested in Congress by the Constitution of the United States."

This resolution attracted much public attention in the State and throughout the Union. Mr. Jefferson deemed it of so much importance, that within seventeen days after its introduction he wrote Mr. Madison:

"New York has taken strong grounds in vindication of the Constitution. Although I was against our leading, I am equally

against omitting to follow in the same line and backing them firmly; and I hope that yourself or some other will mark out the track to be pursued by us."

Throughout his service in the two Houses of Congress, Mr. Wright adhered to the principles declared in this resolution.

The same question arose in Mr. Polk's time. On the 3d of August, 1846, he vetoed a bill making appropriations for the improvement of harbors and rivers. A similar bill was passed on the last day of the next session. By the adjournment of Congress the President did not have the ten days, specified in the Constitution, for its consideration and veto, if he wished to do so. The bill died a constitutional death for want of his approval. In order that his views on this subject might be fully understood by all, he, on the 15th of December, 1847, communicated to the House of Representatives, in which the bill originated, a special message, usually called a "veto of the river and harbor bill."

Mr. Polk's veto of August 3d, 1846, and his withholding his signature from the bill passed on the 3d of March, 1847, caused much discussion on the subject and led to the call of the River and Harbor Convention at Chicago, on the first Monday of July, 1847, to which many eminent men, including Gov. Wright, were invited to attend. Not being able to do so, he addressed the following letter to the committee who gave him the invitation:

"Canton, 31*st May*, 1847.

"Gentlemen. — Your circular, inviting me to attend 'a Northwestern Harbor and River Convention,' to be assembled at Chicago on the first Monday of July next, was duly received, forwarded by Mr. Whiting, of your committee. My attention had been previously called to the same subject by the invitation of a friend, at your city, to attend the convention, and generously tendering me quarters in his family during its sitting. I was forced, from the state of private business, to inform him that I

could not make the journey at the time named, and the period which has elapsed since I declined his invitation has only tended to confirm the conclusion pronounced to him. Were it possible for me to attend the proposed convention, without an unreasonable sacrifice, I should most gladly do so, as my location gives me a strong feeling in reference to the prosperity and safety of the commerce of the lakes. The subject of the improvement of the lake harbors is one which my service in Congress has rendered somewhat familiar to me in a legislative aspect, while my personal travel upon the two lower lakes has made the necessity for these improvements manifest to my senses. I am aware that questions of constitutional power have been raised in reference to appropriations of money by Congress, for the improvement of the lake harbors, and I am well convinced that honest men have sincerely entertained strong scruples upon this point, but all my observation and experience have induced me to believe that these scruples, where the individual admits the power to improve the Atlantic harbors, arises from the want of an acquaintance with the lakes and commerce upon them, and an inability to believe the facts in relation to that commerce, when truly stated. It is not easy for one familiar with the lakes and the lake commerce to realize the degree of incredulity, as to the magnitude and importance of both, which is found in the minds of honest and well informed men, residing in remote portions of the Union and having no personal acquaintance with either; while I do not recollect an instance of a member of Congress, who has traveled the lakes, and observed the commerce upon them, within the last ten years, requiring any further evidence or argument, to induce him to admit the constitutional power and the propriety of appropriations for the lake harbors, as much as for those of the Atlantic coast. I have long been of the opinion, therefore, that to impress the minds of the people of all portions of the Union with a realizing sense of the facts as they are, in relation to these inland seas, and their already vast and rapidly increasing commerce, would be all that is required to secure such appropriations as the state of the national treasury will from time to time permit, for the improvement of the lake harbors. I mean the improvement of such harbors as the body of the lake commerce

requires for its convenience and safety, as contradistinguished from the numerous applications for these improvements, which the various competing local interests upon the shores of the lakes may prompt; and I make this distinction because my own observation has shown that applications for harbor improvements at the public expense are made and passed, within distances of a very few miles, and at locations where, from the natural position of the lake and coast, a good harbor at either point would secure to the commerce of the lake all the convenience and safety of duplicate improvements.

"Much of the difficulty of obtaining appropriations grows out of these conflicting applications, and the sternness with which all are pressed as necessary to the lake commerce impairs the confidence of strangers to the local claims and interests in the importance of all.

"It is the duty of those who urge these improvements, for the great objects for which alone they should be made at the expense of the nation, viz., the convenience and safety of the lake commerce, to be honest with Congress, and to urge appropriations only at points where these considerations demand them. The river improvements constitute a much more difficult subject, and the connection of them with the lake harbors has often, to my knowledge, fatally prejudiced the former. There are applications for improvements of rivers about which, as a matter of principle and constitutional power, I have no more doubt than about the harbors upon the lakes or the Atlantic coast, and there are those which, in my judgment, come neither within the principle nor the constitutional power; but to draw a line between the two classes of cases I cannot. I have witnessed numerous attempts to do this, but none of them have appeared to my mind to be very sound or very practical. The facts and circumstances are so very variant between the various applications that I doubt whether any general rule can be laid down which will be found just and practical; and I think the course most likely to secure a satisfactory result, with the least danger of a violation of principle, would be for Congress to act separately and independently upon each application. There has appeared to me to be one broad distinction between these cases, which has not always been

regarded, but which, I think, always should be. *It is between the applications to protect and secure the safety of commerce upon rivers, where it exists and is regularly carried on in defiance of the obstructions sought to be removed, and in the face of the dangers they place in its way, and those applications which ask for improvement of rivers, that commerce may be extended upon them where it is not.* The one class appear to me to ask Congress to regulate and protect commerce upon rivers where commerce in fact exists, and the other to create it upon rivers where it does not exist. This distinction, if carefully observed, might aid in determining some applications of both classes, but is not a sufficient dividing line for practical legislation, if it is for the settlement of the principle upon which all such applications should rest. I use the term 'commerce' in this definition, as I do this letter, in its constitutional sense and scope.

"I must ask your pardon, gentlemen, for troubling you with so long and hasty a communication, in reply to your note. It is not made for any public use, but to express to you very imperfectly some of my views upon the interesting subjects you bring to my notice, which I shall not have the pleasure of communicating in person, and to satisfy you that I am not indifferent to your request.

"Be pleased to accept my thanks for your polite invitation, and to believe me,

"Your very respectful and obed't servant,

"SILAS WRIGHT.

"Messrs. N. B. Judd and others."

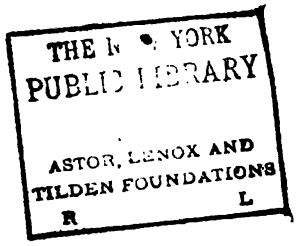
CHAPTER CXLVIII.

NUMEROUS CALLS AND THEIR CONSEQUENCES.

Mr. Wright, like his parents, was fond of company. He exerted himself to entertain those who called upon him, and exhibited great tact and skill in doing so. This naturally drew people about him. When Comptroller, few democrats ever visited Albany without calling upon him. His frank and cordial manner made them feel at ease when with him. Each brought the news from his own immediate neighborhood, and received that of the capital in return, both profiting by the interchange. He was extensively recognized as the central figure of those democrats known as the "Albany Regency." This increased the number of those who called upon him, and to an extent that seriously interfered with the dispatch of business in his office. But industry, and early and late hours devoted to it, enabled him to perform all its duties. Entering the United States Senate did not diminish the number of those seeking to pay their respects to him. The opening of railroads, by which all parts of the country had easy access to Washington, largely increased the number of calls. All must see the President, their Senators and member from their own district, the editor of the democratic organ, and the open, kind and true-hearted democratic Senator from New York. There sprung up toward the latter a confidence and cordiality seldom witnessed. No one ever left without hoping to see him again. Few did so without breathing a wish for his future success and promotion.

However grateful such intercourse may have been to his feelings, it consumed much time, seriously interfering

with the discharge of his other duties. Visitors often called before breakfast, and from that time until midnight, at his lodgings or at the Senate chamber. These interruptions did not leave him time necessary to investigate and prepare business, or write out reports or speeches. His committee duties were very large, all of which he performed with his own hand, properly refusing the assistance of a clerk. In order to find sufficient time to attend to all these things, during the last years of his service, he left his lodging immediately after breakfast, proceeded to the Capitol and from thence to his committee-room, where he devoted himself incessantly to his duties. But visitors would follow him there, they easily finding his room. This induced him, to avoid interruption, to take refuge in the rooms of other committees not in session, until the opening of the Senate for business, when a bell called all Senators to their seats. Here he was nearly always found until the hour of adjournment. When this was early, he often returned to renew his labors where he could not be interrupted. These, not unfrequently, extended to a very late hour. Few knew the effect of these calls upon Mr. Wright and his public duties, and fewer still understood the means to which he was driven to resort in order to perform them at all. He bore all these things without a murmur, as unavoidable consequences resulting from holding the office of Senator and the performance of his duties to his country and his party.


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R L

Washington 16 D. Oct. 1842

Sir, Your late letter was duly rec.d carefully read
fully heard. Have been and am unhesitating how
vote, because I know well you expected certainly
wished, if not what you absolutely believe. Upon
our discussions I have noticed intimations in your
he seemed to have the direction expressly given to the
I have not noticed them because I thought they
e intimations upon which you had not bestowed
Your last letter does not leave me at liberty to pass
litty.

yself. therefore, to dispose of the delicate point
ean with the most perfect frankness and candour,
mind is simply clear that I should Ever be, not the
the United States, but a Candidate for that high
uld make me more unhappy than I have ever been
to any political Contests. When my present term
te ends it will make my period of uninterrupted
Exclusive public service very close upon twenty
ve devoted to the best of my judgement and
any few men ever, any where, and under any
ces, have been blessed with such faithful friends,
from them such Constant and unyielding support.
s ambitions of honors, I have had heaped upon
ore than I could have deserved; if Emolument,
on them my Choice; if reputation, I have here them
y ever more than I dare promise to retain. It is,
sincere wish of my heart to retire and accustom
quiet and peaceful life, before age and habits and
ure for either. In Great Haste

Most Truly Yours

Silas Wright, Jr.

Tom H. Gillet

CHAPTER CXLIX.

MR. WRIGHT'S CORRESPONDENCE.

Through his long public service, Mr. WRIGHT had an extensive correspondence. As State Senator, representing one-eighth of the State, and as a member of the House of Representatives, representing a double district, it was naturally large. As Comptroller, it extended to the whole State. As a leading and trusted politician, he soon became the center of political thought of his party, who addressed him freely on questions in which its members felt any considerable interest. When transferred to the United States Senate, in an exciting time, the extent of his correspondence greatly increased. As his reputation as a statesman extended to the boundaries of the Union, and he was deemed a most able and prudent man, and a true representative of democratic principles, it increased in the same ratio. Although the labor of such an extended confidence was very great, it was productive of many advantages. It furnished him with a knowledge of men and things which fell to the lot of no one. Every part of the Union contributed to his knowledge of them. He was extensively advised of the character and motives of men, and of the effect of various measures presented for consideration. He was deemed a safe depositary of all matters connected with the interest and success of the democratic party. Hence, men wrote him fully, frankly and without reserve. He thus became well posted on most subjects in advance of all others. He was seldom deceived or misled by his correspondents. After being a few years in the Senate, he was treated as the recognized leader of the democratic party. Sound

democrats, in all quarters, seemed anxious to contribute the information they deemed essential to success. He submitted to the labor which this occasioned most cheerfully, as it increased his ability to be useful to the public service and to his political party, whose success he considered synonymous with the welfare and permanence of our institutions and the happiness of the people.

He wrote an exceedingly neat, compact and uniform hand by a rolling motion of the hand, instead of bending the fingers. Erasures, interlineations, blots and blemishes were never found in his letters or documents, or papers prepared by him. His punctuation was so perfect and complete that it left no room for revision by the printer or proof-reader. He left no evidence of hurry or carelessness in anything he wrote.

In the early part of his public life, Mr. Wright carefully filed and preserved all letters received by him. In the latter part of it, he usually destroyed all when answered.

This imposed upon him a labor which few men could undergo. However burdensome it might be, he patiently endured it and answered every letter, some of which required him to communicate with the President or departments, to settle questions, and nearly all required reflection and much thought to answer in a suitable manner. In his answers he was as laborious and painstaking as in everything else that he touched. In those days Congress did not provide clerks, as now, to aid Senators or members in their correspondence, or in franking. He preferred performing his own duties with his own hand. His letters received often extended to twenty-five, and sometimes more, in a single day, many of which he answered in his seat as he opened and read them. He related an anecdote on the subject of preserving political letters which is worthy of consideration. Martin Van Buren and Roger Skinner were warm personal and

ardent political friends. They had served together in the State Senate and were trusted party leaders. On one occasion a question of political policy arose, and the course pursued by Mr. Van Buren had proved unfortunate. Mr. Skinner subsequently called upon him in Albany, and on discussing the matter, he remarked that it had been his opinion, and he had so advised, if a certain other course had been pursued, the event would have proved more fortunate. Mr. Van Buren, sitting at his desk, drew from it a letter written to him by Judge Skinner advising the exact course pursued by him, and gave it to him to read. This was a sad blow to the Judge's self-complacency, and almost destroyed all personal and political intimacy. Mr. Van Buren believed that he was never afterward the warmhearted friend, personal or political, that he had been. From that time he destroyed nearly, if not quite all political and personal letters. This occurrence formed one of the reasons why Mr. WRIGHT did not preserve his letters during the latter years of his life. Except those from his father and relatives, few were found to have been preserved after his death.

In the freedom of his correspondence, he greatly feared that he said things which might wound the feelings, or annoy others, or lead to difficulties. He often requested those to whom they were addressed to destroy them. Before his death, and apparently in anticipation of that event, he wrote to his correspondents in various parts of the country, soliciting a return of his letters, which when received he destroyed, to prevent the possibility of their giving pain to anyone, or their occasioning misapprehension or confusion. Those who still hold his letters cling to them as the most valuable of mementoes. Some are preserved in elegant binding and others placed in strong envelopes, or carefully folded and laid away to prevent their wearing.

The following letter to Mr. Chandler, of Batavia, shows

with what care and punctuality he attended to the wishes and interests of his friends in their minutest details. In all such things he set an example worthy of imitation:

Letter from Governor Wright to Daniel A. Chandler.

"Executive Chamber,
"Albany, 19*th September*, 1845.

"My Dear Sir. — The inclosed * came during my absence, as I have been to St. Lawrence to see my sick brother, and returned yesterday. I send it to you that you may see that the Secretary has kept a good memory upon this point. Please send me the full name, age and place of residence of your son, with a statement of his health and character for integrity, etc., etc. Make the statement and get Mr. Redfield, Evans and two or three other of your friends of like standing to sign it. Let the statement set forth your political course, and speak of the predilections of your son, if he has shown any, though I have no doubt the Secretary has reference to your democracy, and not to Master Ralph. Give me the paper as soon as you can consistently, that I may comply with the Secretary's request without much further delay, and return to me his letter.

"In great haste, I am truly yours,

"SILAS WRIGHT.

"Daniel H. Chandler, Esq.

*Letter from Hon. George Bancroft, Secretary of the Navy, concerning the appointment as midshipman of Commander R. Chandler — commander of the Brooklyn navy yard in 1872.

CHAPTER CL.

PERSONAL FRIENDSHIPS.

Like Gen. Jackson, Mr. WRIGHT was ardent, firm and sincere in his friendships, being always based upon qualities that he respected or admired. But unlike him, no one was ever made specially to feel his antipathies or dislikes. Personally he had no enemies, though he had political adversaries in abundance, some of whom were as bitter as gall could make them and vindictive and implacable as the worst savage that roams the forest, smarting under real or imaginary wrongs to him or his kindred. He never traduced an adversary, nor exhausted his strength or consumed his time in hunting them down or in attempting to punish them, however easy the task or much deserved. His theory was, that envy, hatred and malice eventually punished those who harbor them and are governed by their impulses.

Those whom he loved enjoyed his confidence in an almost unlimited degree. It is remarkable that those who enjoyed it seldom, if ever, abused it. Their object seemed to be, like his toward them, to aid and not to injure. Simulated friendships cease with the termination of the interest which gives rise to them, but real ones never die. Confidence begets confidence, and while Mr. WRIGHT gave his without hesitation or scruple, he received in return that of the masses of the American people. Sheets might be filled with the names of those in whose friendship and fidelity Mr. WRIGHT confided. The names of Azariah C. Flagg and Felix Grundy are mentioned for illustration. He became acquainted with Mr. Flagg when he entered the public service in 1824, and

their relations were the most intimate and confiding until his death. He had not a thought which he would not intrust to him, while he relied as much upon his judgment and the soundness of his opinions, as upon those of any other living man.

He first met Mr. Grundy in the Senate of the United States. They soon became friends, closely linked together by common sympathies, purposes and principles. Each admired the honesty, sincerity, talent and tact of the other. A common attachment, amounting almost to idolatry, for Gen. Jackson and Mr. Van Buren, tended to strengthen the cords that bound them together. We give in his own words Mr. Wright's description of the friend he so much admired, in the form of an epitaph, which, at the request of Mr. Grundy's family, he prepared, to be inscribed on the monument erected to his memory.

Sacred to the Memory

OF

FELIX GRUNDY,

WHO DIED ON THE NINETEENTH DAY OF DECEMBER, 1840,

Aged 68 Years;

BEING AT THE TIME A MEMBER OF THE SENATE OF THE UNITED STATES FROM THE STATE OF TENNESSEE.

"A native of Virginia, and born during the American Revolution, A. D. 1777, Mr. Grundy was carried to the Indian country, a child in the arms of the most affectionate of mothers, whose heroic fortitude shielded him from massacre, while three older sons fell beneath the tomahawk and scalping knife of the ruthless Indian warriors.

"Educated for the profession of the law, a clear and powerful mind and unyielding application soon raised him to the head of his profession, and while the hundreds successfully defended by him against the highest criminal charges filled the county of his residence with the strongest witnesses in favor of his powers as a lawyer, his commanding talents, sound principles and popular manners marked him out, early in life, for higher, more extended and more public duties.

"Called to serve in conventions of the people and in the Legislature of the State of Kentucky, his pre-eminence as a statesman and a legislator

became, during his early years, as well established as his professional reputation.

"Transferred from the making to the administration of the law, his uprightness and justice as a judge, holding the highest judicial situation of his State, tempered by the mildness of his nature and character, presented his extraordinary mental powers so blended with his virtues as the more highly to elevate his fame, and the more strongly to endear him to his countrymen.

"The same public and private fortunes awaited Mr. Grundy, substantially, when his residence was transferred to the State of Tennessee, until, upon the eve of an eventful war with one of the strongest powers of the earth, the nation called for his services, and the people of his beloved Tennessee sent him into the Congress of the United States.

"From that time, A. D. 1811, until the period of his decease, a very large share of his life was devoted to the service of his whole country, as a member of one or the other of the two Houses of the national legislature.

"During the short intervals of that service, he was called by President Van Buren to take a place in his cabinet, with the office of Attorney-General of the United States, the first law officer of the nation. This elevated place, suited as it was to his feelings, his education, his professional habits and his cast of mind, was cheerfully and soon surrendered, upon the call of his Tennessee friends and fellow-citizens, to return to his long occupied seat in the Senate of the United States.

"From that elevated position, the last final summons of his revered Creator called him to this humble sepulcher, the last resting place for all the living, upon which affection and friendship has placed this inadequate inscription.

"Ample as may seem to be the field for the richest recollections arising from these high honors and just earthly distinctions, the oblations which will be offered at such a shrine are not to be the deep conservations of this tomb. The treasures of the heart, the fullest offerings of domestic affection and pure friendship are to send up their incense from this altar to the memory of the tender and exemplary husband, the kind and indulgent father, the true friend and the sincere and humble Christian.

"Dearer to all these feelings than any of the honors and distinctions of this world shall be these names, embodied in that of Felix Grundy."

Such is the record prepared by the hand of affection to perpetuate the talents and virtues of a deceased friend and statesman. It was such manifestations of sincerity and warm-hearted attachment that drew so many hearts to Mr. Wright and occasioned such deep and sincere sorrow at his early and sudden death.

His attachment to his own and his wife's relatives was equally strong. The following letter to his brother-in-law will show how much his feelings were enlisted in what interested them. It also pays a just tribute to the excellent qualities of his mother-in-law, of whose family he had for a long time been a member and whose house for fifteen years had been his home. It is a truthful picture of a superior and good woman.

"Washington, 30*th January*, 1843.

"My Dear Brother. — Your most acceptable letter of the twenty-fourth came to us last night. We had heard that you had been at Canton, through Luman's letters, as he is very good, as he was during Mary's sickness last summer, and writes two or three times a week. He gives us a very particular account of the health of our good mother and of the health of the neighborhood, but has not told us as much of the state of her mind and feelings about herself, in all his letters, as you tell us in yours. That is very natural. They are with her all the time, and hearing all her conversation they do not think of repeating it to you and to us, to whom it has the deepest interest. We have been under the greatest concern about her health ever since we first heard she was more unwell. Indeed, we left home most deeply concerned about her, as she had been much more unwell for the last month we were at home than I had ever known her, although she was about the house and doing most of the work herself. Her complaint then seemed to be of the stomach, and I thought her old rheumatic affections were collecting and exerting their influence there, as she did not feel but little of the ordinary lameness of the limbs.

"When we first heard from Luman that she was worse, I thought, from his description of her case, that dyspepsia had joined itself to her rheumatism, which is very common, and was shocked when Luman told us that Dr. Clark said he feared her disease would result in the consumption. That disease has been so universal and so fatal in her family, that any suspicion of its presence with her becomes more alarming; and yet, in the thousand times I have thought of it, I have supposed that she was as

unlikely as any person I had ever known to be consumptive. Yet, I greatly fear, from the account you give, and still more from those we get from Luman's letters that her disease is or will be the consumption, and that it will act rapidly and fatally. I have never known anything take so deep hold of Clarissa as this sad news from your good mother, and knowing as long as I have known, and as well as I do know, what a mother she has been to all of you, and to me, too, I cannot feel surprise at any depth of grief which even the danger of her loss occasions. She has been a most remarkable woman, as a wife, as a mother and as a neighbor. Such equanimity of temper and conduct, under all circumstances, and at all times, I do not know that I have ever witnessed, and while I never knew her to flatter a human being as a flatterer does that, I have never to my knowledge seen the person who entertained hostility toward her. She has, to as great an extent as any lady I ever knew, set the example and exhibited the benefits to one's self, to one's family and to society, of attending to her own business and leaving other people to attend to theirs, and only extending her interference and her assistance at the calls of distress and charity. Not to feel alarm and pain and affection at the mere danger of the loss of such a mother would be to have no feeling, and yet such a loss none of us can measure until bitter experience shall compel us to suffer and try it.

"Our short session is rapidly drawing to a close and, on account of this condition of mother's health, Clarissa, from having counted the weeks, is now almost beginning to count the days when we shall be permitted to start on our long journey home. If our news does not improve, we shall make our way there with as little delay as possible, and unless some misfortune shall compel it, I shall not think of visiting my aged and afflicted parents on the way, but shall leave that to be done at some time during the summer. If, then, life should be spared and time permit, we may take Montreal in our way out or back, and repeat that to us most pleasant visit with you.

"We are quite well, except that Clarissa has a heavy cold and a hard cough, which has been upon her for near three weeks and, in the changing weather we have had and still have, she takes more cold almost every day. By this means we escape the large

party of the Postmaster-General this evening, which to both is rather a gain from the affliction, as, after the experience we have had here, these crowded parties are very great bores instead of pleasures.

"The prospect of a change of your position for the better is gratifying news to us and we hope it may be realized. We infer that your duties must be more confining, but for the increase of salary you can submit to that, and on some accounts it is more pleasant to be captain than lieutenant, besides I hope you will be able to go up and see mother again before you get tied down any closer, as in her condition to have her children about her, must be one of the richest comforts she can enjoy. * *

"Congress has, as yet, done very little and will do nothing but pass the ordinary appropriation bills. The war between Capt. Tyler and the great mass of the whig party is as bitter as ever, and there is no prospect that it will abate during the life of this Congress. How it may be with the next, time must show. We have had much less than the usual quantity of speech making and very few speeches written out for publication, while of those few there have been none which I have thought of interest enough to charge you with the postage upon them. Our present *Oregon* debate may produce some, and if so, I will forward them. * * * *

"Most truly yours,

"SILAS WRIGHT, Jr.

"Capt. Lucius Moody."

Many instances of his strong and fervid attachments to friends might be cited. His town was filled with people who enjoyed his unlimited confidence. They were met with in all parts of his county, in all parts of the State, and, indeed, throughout the Union. He had the happy faculty of accurately judging the motives and characters of men, so that when he once gave his confidence he seldom had occasion to withdraw it. No one ever complained of his desertion of a friend, or of his abusing his confidence, a thing which he never did. Treachery and deception formed no part of his character.

CHAPTER CLI.

LETTERS TO GEN. DIX AND THOMAS M. BURT, IN 1847.

Gen. Dix and Thomas M. Burt enjoyed Gov. Wright's confidence, and hence he wrote with his characteristic frankness, as the following letters will show. In the letter to Mr. Burt he gives his views concerning who ought and who ought not to be nominated for public offices. He always acted upon the principle here avowed, and we often heard him avow the policy of the democratic party acting upon it whenever there was occasion for selecting candidates to be presented to the electors for their votes, or for executive appointments. Whenever the democratic party acts in disregard of the principles he recommends, it eventually suffers by it. It ever has been, and ever will be so.

Gov. Wright to John A. Dix.

"Albany, 19*th January*, 1847.

"My Dear Sir.—I promised to write you before I should leave here, but then intended that both things should have been done before this day. I have found my whole time occupied, and yet I do nothing. I carefully abstain from any interference with the Legislature and its affairs, and you and King, to whom I certainly should write if to any persons at Washington, can judge of my attempts to interfere in the affairs of the nation, transacting at your capitol. I have a good laugh every day to see the extent of my agency at both places, if the letter-writers and newspaper scribblers are to be credited. I am even made to write speeches for King to deliver, as well as to dictate the measures and movements upon which he is to make the speeches. You have been rather modest so far, but I expect, as soon as you make a movement, that I shall gain further celebrity, if not as

supplying you with language, at least as furnishing you with directions how to move, and when to move, and upon what subject and what side to make your speeches. All this is laughable enough at home, where all three are known, and it is very well understood that I could much more properly borrow than lend in the way of speech-making, with either of you. I certainly hope these idle speculations do not annoy either of you, as they surely do not me.

"King's movement, in the House, is one of most significance. He is likely to obtain the position as the author of the proposition, which he does not claim, but justly awards to the real mover, Wilmot, at the last session. The authorship is fixed upon him, because it is supposed his relations make it an object politically to fix it there. On this account, neither he nor any of our friends from the State must feel any anxiety, or suffer any embarrassment. If I could have had my personal choice, I should have preferred that the movement should have come from the original mover again, that the measure might have been discharged from the suspicion which may be fixed upon it coming from King. Yet I am aware that he has acted from the strongest conscientious sense of public duty, and has been satisfied he could not properly wait the movement of others. These convictions fully satisfy me with his action in making himself the author of the measure.

"The great point is as to the propriety of the movement at all. Upon this point, I have not a doubt. The principle asserted is clearly right, and its assertion now is, in my judgment, not merely expedient, but positively necessary. The Mexican war is rapidly becoming unpopular with the people of this section of the Union, as I fear it is in all sections; and here the great and universal objection made to it is that its effect is to be, if its object and design is not, to extend slavery. The question is now in a shape it never before has and never before could have assumed. In all former cases, slavery has been an institution existing, and lawfully existing, in the territory added to the Union. Such was the fact in the case of Louisiana, Florida and Texas, and that fact was made the justification of the addition of the territory and the recognition of slavery within it, as a consequence.

We have now taken into the Union all the territory contiguous to it, wherein slavery does or can lawfully exist, separate from our interference, and the great question now first presents itself: Shall we pay the money or use the arms of the Union to acquire new territory, that we may incorporate this institution upon it, and thus extend the limits of a universally conceded social and political evil? Hitherto, as I have understood the matter, all, our southern brethren included, have considered slavery an evil anywhere, and most especially so as existing under our institutions; but it has been truly said to be the misfortune not the fault of the present slave-holding citizens of the Republic, an inheritance from their colonial ancestors forced upon them by the wicked colonial policy of the mother country. In this aspect of the case, the north, and especially the northern democracy, has stood by the rights of property of their southern fellow-citizens and insisted upon their full and quiet enjoyment of their constitutional rights in regard to such property. This, I sincerely hope and firmly believe the northern democracy will always do, if the south does not ask them to go beyond this point; but it is as manifest as the light of day, that no part and no party of the free States will consent that territory be purchased or conquered to extend this institution to countries where it does not and cannot now constitutionally and lawfully exist.

"Some have trouble upon this point in consequence of the Missouri Compromise, so called. On many accounts I find no embarrassment growing out of that consideration. It is idle to suppose that that arrangement had any reference to territory not then a part of the Union. A stronger ground with me is that that compromise, so called, was altogether an affair unauthorized by the Constitution and in the face of its express provisions. It was an attempt to control States upon this great question, which Congress had no right to do. When a State is admitted into the Union, under the present Constitution, it must be admitted upon a footing of perfect equality as to rights and powers with the original thirteen States. One of their rights and powers was to establish the institution of slavery within themselves and to abolish it, at will, and every State now in the Union and every one which shall ever be admitted, while the Constitution remains as it is,

does and must possess that constitutional right and power of the original States, the Missouri Compromise or any other action of Congress to the contrary notwithstanding. All Congress can do, therefore, is to determine whether or not slavery shall be an institution of the territory while it remains territory of the United States, subject to the government of the laws of the Union. When Congress shall admit it or any portion of it as a State, its power over the question of slavery as to that portion is gone, and the question becomes one purely of State right and State jurisdiction. In this aspect of the case, to contend that Congress should introduce or ingraft slavery upon territory now free, is to ask the people of the Union to consider and treat slavery as a positive benefit and blessing to be diffused and extended by the action of Congress. This the people of the free States never will do, and I sincerely hope the people of the slave States will not themselves so consider it and certainly they will not ask the people of the free States to hold such opinions or take such action.

"Upon another ground, it seems to me that the Missouri Compromise can no longer be held as a rule upon this question. The whole territory of Texas, extending to latitude forty-two degrees, is admitted as a State, with a Constitution recognizing and establishing the institution of slavery in the most express terms and form, and this was done by the votes of the southern members against, among many others, the most earnest effort to apply this compromise to that territory. It will not do, therefore, for them to contend that this compromise is any longer binding upon the northern side, even if they suppose, as I do not, that it ever had any binding force.

"But I must quit this topic. I should be compelled, if in Congress, to vote for the proposition of Mr. King, though I do not know that I should have felt constrained to become myself the mover of the resolution. Still, I think its movement had become imperatively necessary, and that the war cannot be efficiently prosecuted unless a distinct negative is put upon the idea that its object is to extend the limits of the institution of slavery. I do not think it is now possible to avoid or prevent a distinct decision of that question, and I shall regard a decision against Mr. King as fatal to this administration and its prosecution of the war.

"You will see that our Legislature has the subject before it. The whigs, who will of course go for this proposition, will be very glad, if they can, to give a slap at the administration and the war at the same time; but from what I now hear, I rather think the resolutions introduced into the Senate by Col. Young will be passed by a very strong, if not by quite a unanimous, vote. Those resolutions undoubtedly speak the sentiments of, literally speaking, our whole people of all parties. The only attempt at resistance, as you will see, is based upon the inexpediency of the movement *now*, conceding its soundness and justice as a principle. Such a position has no moral force now, when the hesitancy about a cordial support of the war hangs upon this very point. This form of opposition comes from a particular quarter only, as you will see, and it is manifestly made only to seem to conform to what are supposed to be the wishes of the administration, that a certain little clique here may continue to control and enjoy the appointments of the administration as it has hitherto done, most unfortunately to the President and those friends upon whom only he can depend for support here to carry on the government, and especially this difficult war.

"The subject of the tax upon tea and coffee was most summarily disposed of in the House. If a duty upon these articles becomes necessary, as a war duty, there is no doubt that the public will submit to it cheerfully; but the necessity must be made apparent, and the proposition must be made under circumstances to lay no foundation for a suspicion that there is an ulterior object to be accomplished. The Secretary of the Treasury pressed this duty too strongly last year, and, coupled with that, his note to Mr. McKay this year, has prejudiced his recommendation here, and made the vote of the House a popular one. Our financiers even cannot see that this particular duty is yet requisite to sustain the credit of the Union, and they think the opinion was hastily pronounced, rather to obtain the duty than to strengthen the public credit. So think the people.

"Still, my impressions are that it is to be a difficult year to borrow money. The banks are, as I think, fearfully extended and will be competitors with the government for the cash in the market. This note of the Secretary will be used by the croakers

to prove that the government ought not to have loans, as a means of raising the interest, and if you do not give authority to pay more than six per cent, I do not think the Secretary will be able to obtain the amount he proposes to want, say $23,000,000. I think he will have to pay a price which will start the private deposits in the banks, and that they cannot be started at a less rate of interest than seven per cent on a fifteen or twenty years stock. There is no mystery about this operation. If the government is to obtain money without steps to depreciate the currency, it must pay the market price for it; and much better is it for the country, and all its great interests, that it should pay seven or even eight per cent, than that it should depreciate the whole volume of the currency to cheapen the value of the sums it wants. Any attempt to cheapen loans by the use of treasury notes will, as I think, unavoidably either cost the treasury a great deal of money to no benefit, or will have the effect to depreciate the whole currency of the country, the notes leading in the fall.

"The proposition for a lieutenant-general is lost in both Houses. I have seen by your letters to others that you were anxious for the passage of that proposition. We here have not sufficiently the possession of the ground to form a safe opinion as to the recommendation. We do not know, except from conjecture, the public grounds upon which the recommendation was made. We feel deeply that the affairs of the war look fearful enough, and that anything which promises to benefit the prospect, and to bring the war to an early close ought to be approved and tried. I will tell you frankly, however, how this subject has constantly presented itself to my mind. I have supposed that there is not the proper reciprocal confidence between the administration and the senior generals now in the field, and that this proposition has grown out of that fact; that this want of confidence proceeds mainly from the jealousy that those generals (and I am now told there are supposed to be three of them, Scott, Taylor and Butler) hope to make themselves presidents out of their services in the war; that Col. Benton was to have been the lieutenant-general, if the bill had passed, etc., etc. Now, for the sake of my friend, the Colonel, while I have said nothing, I have feared to have him placed in the position the appointment would place him

in. No man can have more confidence in him, both in a military and civil aspect, than I have; but I feel sure the whole responsibility of the war would be at once thrown upon him, which I know he would willingly take, and which I would willingly have him take, if he was seconded and sustained in good faith; but I cannot persuade myself that, in case he should be fortunate in a single great step, he would not concentrate upon himself these same jealousies either under the fear that he would want to be President, or that he would prefer some other person than a member of this administration, and that he would be destroyed by orders to embarrass his movements, or by a direct controversy, which the generals he would supersede would naturally rejoice to see, if they should not help along. I have not been able, from these fears, to mourn over the loss of this bill, though, if I had knowledge of the whole ground, I might change my mind.

"I must close. I have written hastily, amidst constant interruptions, with a very bad pen, and if you can read it I shall be glad. There is much else I should be glad to say, but your patience will not bear the tax, nor will my time. It is a private letter, but you may, if you please, let King read it, if he can, for I ought to write to him, but do not think I shall till I get home. I am still waiting for snow, but hope to be away this week.

"Please say to Mrs. Dix that I cannot express my gratification at the reports as to her improved health, and I sincerely hope she may not again be threatened with her lung complaint.

"I am truly yours,

"SILAS WRIGHT.

"Hon. John A. Dix.

"P. S. There is not a doubt that you and our true men should press Temple as our candidate for brigadier-general. He is the only man among the candidates who is a soldier and would be a valuable appointment, though I consider it very certain he cannot be appointed."

Mr. Wright to John A. Dix.

"Canton, 22*d March*, 1847.

"My Dear Sir. — Your letter of the thirteenth was duly and thankfully received. I am also indebted for two or three unacknowledged favors since my voluminous letters to you. I know very well your situation during the sessions of the Senate, and the unreasonableness of taxing you to read, much less expecting you to write, long letters. I have occupied the situation long enough to sympathize with you under the load you must carry, but I can advise nothing but patience.

"I think I referred, in one of my letters to you, to the case of our excellent friend, Col. Benton, and told you my anxiety had grown out of the conviction that, even if good faith was intended toward him, I feared he could not take one promising step before those pitiful jealousies about president making, which seem to us at this distance to over-ride and swallow up every other consideration at Washington at the present time, would follow and surround and fetter him, and destroy his power of usefulness, and defeat his high patriotic designs. Hence, we were compelled to console ourselves at the defeat of the lieutenant-general bill, and we are compelled to feel that it is fortunate for him that the termination has been found where it has. He has favored me with a copy of his correspondence with the President leading to his declination, and I must say I think he has placed himself upon high ground. The moral sense of every man who thinks will tell him, at once, that he *could* not leave his position to take a subordinate position in the army. The idea is absurd, and his nomination and appointment was considered, by everybody who reads or thinks, as designed to place him in command in Mexico. I ought to write to the Colonel fully upon this subject, but I do not know when I can command the leisure, and whether, by one of my long letters leading to no practical result, that I might not rather tax than gratify him. He knows he has my strong confidence and best wishes, and should know that my acquaintance has fully satisfied me that his purposes are disinterested and patriotic. I am as satisfied as you are that the presidency is a prize for which he does not contend, though very few, if any, of our statesmen might more justly aspire to that highest elevation under our government. I have

seen the Colonel's public course for many years, and have been as well acquainted with his private views and motives as most, if not as any, of his political friends and associates, and I do him but bare justice when I say I have always found him pursuing sound principles and patriotic impulses in an open, able and honorable manner. No statesman with whom it has been my good fortune to serve has appeared more uniformly to have at heart 'the greatest good of the greatest number,' and it would be difficult for me to tell you how strongly he has won my personal esteem and public confidence. Hence I have felt most sensibly all the movements touching the Mexican war which were understood to concern him so deeply, hoping, for the interests of our common country, that they might result, as I knew he expected they would; and at the same time fearing that, if not bad faith, an imbecile, timid and selfish policy, might lead to his sacrifice without any substantial benefit to the country. I am now able to rejoice that, regardless of personal considerations, he has continued to manifest a willingness to take the risks, so long as there was a possibility that the anticipated benefits could be reached; he has, with his accustomed promptness, frankness and decision, taken himself out of the position he was thus made to occupy, and placed the matter in its true light before the country. I hope I am mistaken, but if I am not in the inferences which this transaction authorizes, it is fortunate for him that it has been reached now, while the country suffers no loss, as it is most manifest that by going into the military service in the only manner in which he could go into it, he could not materially benefit that service.

"I still feel inexpressibly anxious about the interests and honor of our country involved in this war; and if the condition of things in Mexico, as shadowed in the late accounts, and the influence of the clergy from pecuniary motives turned in favor of peace, do not bring an early termination of it, God alone can see the end or its character.

"You feel anxious about your speech and position upon the three million bill. You have no occasion for anxiety so far as New York is concerned, and I do not think you have so far as the country, or even the south, is concerned. The question presented

by the Wilmot proviso is a new and an old one. It is the same question which established the rule for the territory northwest of the Ohio, and has no connection with the questions of abolition of existing slavery. It is the simple question of the extension of that institution to territory now constitutionally free, and that by the power of the arms or the purse of the Union, or of both combined. Time will show that there is, as there can be, but one mind upon this question in the free States, and there should be but one in the slave States. They should not ask or seek or wish to extend the institution beyond its present constitutional limits, and I do not believe that the sound thinking part of the southern mind will assume that ground. I have not attempted to interfere in this matter thus far, but I have looked with deep interest, and listened with as deep feeling, and I have not been able to entertain a doubt as to the soundness, politically and morally, of the opinions I above express to you. I have not a doubt that the principle of the Wilmot proviso will be adopted and enforced as to all Oregon, and to all territory hereafter to be added to the Union, and if the southern people are unwise enough to follow the fanatical dogmas of Mr. Calhoun upon this point, then, for a time long enough to settle this point, the politics of the Union will be geographical, and a deep misfortune, but one which that statesman has seemed determined for years to force upon the country, or to force it to yield to his sole domination. The latter, I am well convinced, it will never do, and the former, the northern democracy, will avert if they can, but not at the expense of conquering or purchasing territory to plant slavery upon.

"Your speech is a good one, which will do you great credit and be universally approved. Your personal friends are proud of it and of you, and you have no cause for anxiety or fear in case you can consent to work and be honest as you hitherto have been.

"I intended to have said a great deal more to you about my *private* self, and about how very happy I am, freed from the responsibilities and cares and labors of public office, but my sheet is full, and I cannot tax you with a second this time. I will reserve all that, therefore, for a personal letter.

"Can I not, in some way, convince my friends and my enemies

(I speak politically) that I am not a candidate for the presidency and do not want the office if I could get it? I have no other public trouble which personally concerns me but that I am constantly made, by both, to occupy this position; while it is most manifest that I should add largely to the happiness of extensive classes of each if I could only convince them of the truth upon this point.

"Will you present my most respectful and kind regards to Col. Benton (should I say General?), his wife and family, and accept them, with those of my wife united, for Mrs. Dix, yourself and your children.

"I am truly yours,

"SILAS WRIGHT.

"Hon. John A. Dix.

"P. S. If you think Col. B. would like to read this letter, you may give him that liberty."

Mr. Wright to Mr. Burt.

"Canton, 22*d August*, 1847.

"My Dear Sir. — Your too brief note of the nineteenth came to me this evening, and I must give it about an equally brief reply.

"I have not had a doubt that Mr. Flagg should be nominated for Comptroller, if we have the power to do it, and my uneasiness has been that there is so much apathy among the true democracy, and so much activity among the unsound portion of our party, that the convention may be unsound. My opinion has been, and is, that sound nominations should be made throughout, if the convention is sound, and I think it would be better to present such candidates and be beaten with them, if we must, than to nominate men whose election would be a defeat to our principles and measures, even if a nominal triumph, — and that it scarcely could be. I think, if an unsound ticket is nominated, it will be beaten, and then we shall be beaten and disgraced. We shall sink without any ship under us. If a combined ticket is framed, I think we shall find every conservative elected and every sound democrat beaten, which will leave us in a worse position than a total defeat upon sound candidates. I do not think

the conservatives will support a sound ticket, but it will carry a moral force, which, added to the strength of our principles and policy, will elect it against all combinations, and, in any event, this is the best and safest chance we have. As Sam. Weller would say, 'them's my sentiments.'

"Now I may be a very unsafe judge in this matter, as I have been, from the day I left you, wholly separated from political interchange upon these subjects, and without the means of gathering public feeling and sentiment beyond my county. Such a ticket as I recommend would suit us best here. It may be, too, that my judgment upon a point like this may be under an influence originating from personal feeling, though I am wholly unconscious of any such influence. I have become perfectly convinced that we shall never be sound again as a party until we cease wholly to putter with The Argus and its clique, and present sound candidates wholly irrespective of their course and wishes, or of their action. Such a course will bring back the honest and deluded, and drive the rogues over to the whigs, and whether the result shall be a defeat to us or not, it appears to me to be the only remedy for our position.

"I hope to see you by the middle of September, and in the mean time wish to be kindly remembered to Mrs. Burt and your children.

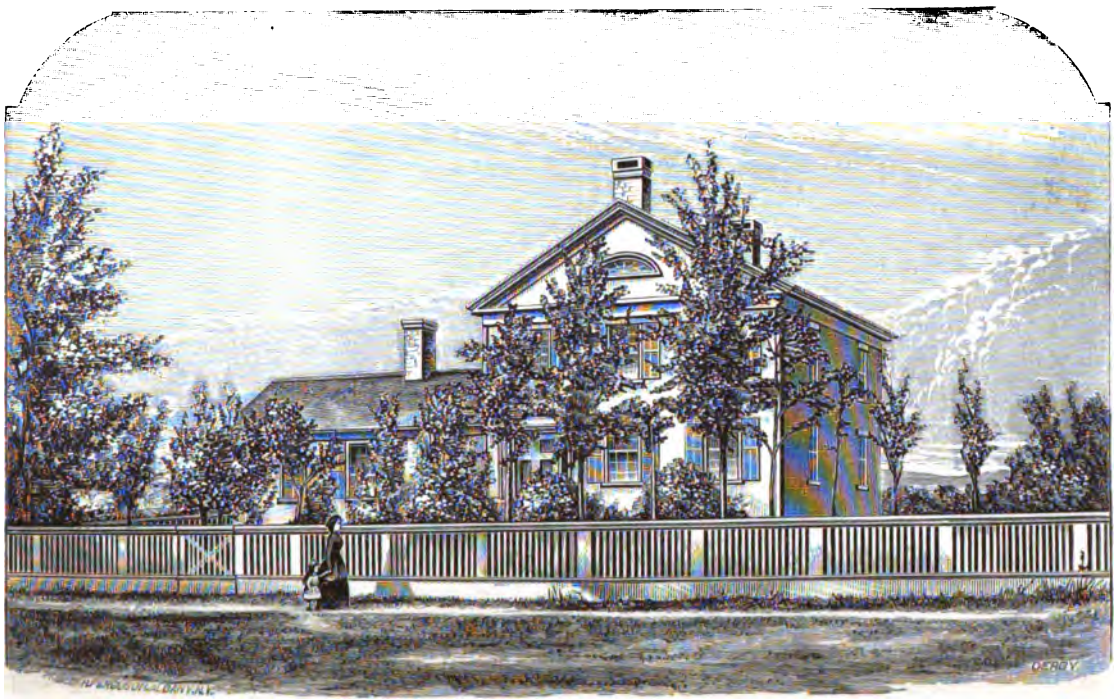
"I am truly yours,

"SILAS WRIGHT.

"Thomas M. Burt, Esq."

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GOV. WRIGHT'S RESIDENCE IN CANTON.

CHAPTER CLII.

AT HOME IN CANTON.

Governor Wright bade his friends in Albany farewell in January, 1847, and, with his wife, started for his home in Canton, where he soon arrived. The incidents of their journey were not chronicled like those of a royal progress of an European prince or sovereign, or an American President, although the hearts of the people on the route were quite as much devoted to him. The following letter, found in Hammond's biography of him, furnishes a knowledge of the unostentatious and plain manner in which he performed his last journey to his beloved home. Mr. Hammond says: "We regret that our limits do not permit us to copy the whole letter of Col. Hinman, for it contains a striking instance of the firmness and indomitable resolution of Mr. Wright in resisting the blandishments, as well as the threats, of the organized lobby, which in 1826 made a rush upon the Senate, as we have heretofore related, to force through that House some dozen bank charters which had passed the Assembly."

"Utica, *February* 17, 1848.

"Dear Sir. — Pursuant to the request contained in your letter, it gives me great pleasure to state, that I was first introduced to Gov. Wright at Middlebury, in Vermont, in the year 1815, when, I believe, he was a member of the college in that town. I saw no more of him until he was elected to the Senate of this State, and took his seat in that body in 1824. From that time until the year 1846 we were very intimate, communicating with each other without the least reserve, and using perfect and unrestrained liberty in everything that passed between us. And I can with truth and sincerity say, that I thought more of that man than

any man living. I never found a man more devoted to what he believed to be the true interests of his country and of the people, than Silas Wright. He was always for preferring and serving his political friends, but he never indulged this desire to oblige either political or personal friends at the hazard of the public weal, or the sacrifice of the interests of the masses.

"Gov. Wright on his return to Canton, in the winter of 1846 (alas! it was his last), passed through Utica. He and his wife arrived here in the cars about two o'clock in the afternoon. I met him at Baggs' hotel and expressed to him a very earnest desire that he should remain over night, as there were many of his friends in Utica who wished to visit him that evening; but having been detained much longer in Albany than he had anticipated, he replied, that he could not spare the time, and immediately hired a farmer, by the name of Neger, to take him and his baggage in a lumber sleigh to Canton. During his short stay in Utica he visited our lunatic asylum, and while he was gone the farmer and myself arranged his baggage, consisting of boxes, trunks and a few fine farming tools, which his friends in Albany had presented, so as to make room for himself and his wife to sit on top of the load, as conveniently as we could. In this way the late Governor left Utica, about five o'clock on the same afternoon he arrived there. This was the last time I ever saw my friend. I was afterward informed by Mr. Neger, that the Governor and lady passed the night at his house, about four miles from this city, and after readjusting their baggage, they started the next morning about five o'clock, and on the third day arrived at Canton, all safe and in good order. Mrs. Wright carried a bird in a cage, in her lap, the whole distance.

"In this unostentatious and plain manner did that man travel; on whom the hearts of millions were at that moment fixed for the highest and most honorable office in America (may I not say in the world?), and for whom, without distinction of party, the merchants of the greatest city in America were preparing a service of gorgeous plate, at an expense of from $18,000 to $20,000, to be presented to him in testimony of their respect for his talents and patriotism, and their gratitude for the services he had rendered our beloved country. * * *

I rejoice, my dear sir, that we have one man who is disposed to perpetuate the name and fame of our great and good man Silas Wright.

"I am, with great respect,

"Your obedient servant,

"JOHN E. HINMAN.

"To Jabez D. Hammond, Esq."

Mr. Wright was only truly seen in the life he loved at Canton among his neighbors. His heart was there, and he was supremely happy at home. When there, the cares which necessarily sprung from his official employments elsewhere ceased to occupy his thoughts, and were all laid aside. He felt a deep solicitude in the diversified interests of all around him, and imitated their example of attending to his own affairs with his own hands. He lived as they lived, and, by strangers, could not be distinguished from them in dress, manners or employment. It was in conversation alone that a difference was observed. Many anecdotes concerning him were published during his life, or soon after his death, and read with interest by the public. Many of them are here collated for our readers.

The Rev. Hiram S. Johnson, of Canton, his old classmate, furnished the following for Mr. Hammond's Life of Mr. Wright:

"All classes became attached to Mr. Wright, from the oldest to a mere child. When he has been expected, after an absence, I have often heard little boys, eight or ten years old, inquire with the deepest interest, 'When will Mr. Wright be in town?' This was common with the children, as they all expected his notice when he came. He overlooked no interest, but felt for all; and this feeling was not affected, but real, and all believed it to be such. When he was at Albany, New York or Washington, all the little errands that any in Canton wished done there, they would send to him; and he would cheerfully do them, and derive pleasure from the service. Soon after Mr. Wright's last return

from Albany, I called on him and found him intensely engaged in writing; he bid me take a seat and said he would shortly be at leisure. Immediately, two fine children of the neighbors, seven or eight years old, came in; Mr. Wright addressed them in his usual affable manner, but did not stop his writing. These little ones drew their chairs to his desk, one on either side of him, and were soon amusing themselves by fingering his hair, and continued to do so, without disturbing him at all, until he had finished his writing."

"A few days before he left for Washington the last time, as Senator, while finishing a house that he was building in the village, a gentleman from a distance came to see Senator Wright. He went into the house and inquired of the workmen for Mr. Wright. One of them replied, 'There is Mr. Wright, in the yard, working at the mortar-bed.' 'But,' said the gentleman, 'I mean the Hon. Silas Wright.' 'Well, that is him.' 'I mean Senator Wright.' 'Well, that is Senator Wright.' On repairing to the mortar-bed, this gentleman quickly discovered that the workman had not imposed upon him."

"At the time he commenced housekeeping he moved his furniture upon a wheelbarrow with his own hands, and although he almost always owned a lumber or ox-wagon, the wheelbarrow was the only pleasure carriage that he ever possessed; and his first business, after his annual return from Washington, while he was Senator, was to take his wheelbarrow and go to the village mill and purchase his flour and meal. His pork was on hand, as that was fattened by himself, and packed up in the cellar previous to his leaving for Washington in the fall."

"After," says Mr. Moody, "the Legislature had passed a law directing the county buildings to be located in a more central part of the county, and the commissioners had located them at Canton, the inhabitants of other parts of the county boasted that Canton had no materials for the buildings, and that before they could be procured the Legislature would assemble and change the law directing a central location. Having ascertained how the matter stood in regard to materials, etc., Mr. Wright called a meeting of the inhabitants of the town, and after having stated the case he made an urgent appeal to them to make an

effort to help the matter forward, and closed his remarks by saying, 'I will go to the stone ledge to-morrow morning with a spade, shovel, crowbar and pick-ax, and work there until there is not a doubt left as to the ability of Canton to furnish the materials necessary for these buildings;' who will go with me? The meeting unanimously responded 'we will all go.' The next morning he led the way to the ledge, followed by his neighbors, and was the first man to break ground in clearing the earth away from the quarry. On the first day there was quarried and delivered upon the site selected for the buildings, six miles distant from the ledge, in the village of Canton, twenty wagon loads of stone; on the second day eighty loads, and on the third day 120 loads. Other materials were procured with like dispatch, and very soon those who had doubted the ability of the inhabitants of Canton to furnish them, admitted that they had nothing to hope from that quarter.

"Mr. Wright labored in that quarry, and assisted in loading the teams for twenty-one successive days, and when the building commissioner called upon him for an account of his work he declined receiving any pay for his services."

"In his law business he never charged or would receive anything for advice. He discouraged hundreds of men who wanted to commence suits against their neighbors for some petty trespass or other trifling matter, by advising them to settle the matter in dispute, and not to disturb the neighborhood with trifling quarrels; and while he was a magistrate, his court was emphatically a court of '*conciliation.*'"

"At the time of leaving for Washington, after his first election to Congress, he made a thorough examination of all his notes and accounts, and found about $600, in small amounts, against the different individuals for whom he had done business. He said to a friend who was present at the time, 'Here are notes and accounts against different individuals, varying from one dollar to five dollars, to the amount of $600. Now, these men have done for me more than I have done for them, and they must be relieved from these little debts;' and without waiting for his friend to make any suggestion as to what was the best mode of relief for them, he opened the stove door and reduced the package to ashes."

A Remarkable Case of Undoubting Confidence.

When Mr. Wright was Comptroller of New York, his fires were made and his room cared for, at his office, by an elderly man, apparently Scotch, of large frame and muscular strength. His economy had made him master of a considerable sum of money, which he loaned on bond and mortgage. To save scrivener's fees, Mr. Wright prepared these papers for him with his own willing hands. Many years afterward, not being paid, they were placed in the hands of an Albany lawyer to be foreclosed in chancery, where Chancellor Walworth presided. No defense was made and a decree was eventually taken by default. But somebody told the venerable old man, then probably over eighty years of age, that he had better go to court and personally speak to the Chancellor or he might be wronged out of his debt. The Chancellor then held his court in the north-east basement corner room of the old State Capitol. Early one morning, as the Chancellor took his seat, we were present when this tall venerable man, with a low-crowned but wide-rimmed hat, and grasping a cane nearly his own height, walked in with some difficulty and passed toward the Chancellor, allowing no one to impede his progress. When near him he said something indicating that he had a suit in his honor's court, and that there was an effort to defeat his just rights. He then raised his stick, which he brought down forcibly, and elevated his voice also, saying: "They can't do it, your honor, they can't do it. The mortgage is all right, it is perfect,—Silas himself drew it," and by his gestures he indicated that this averment ended all question about his legal rights. All this was rather more than the Chancellor's gravity could endure. But he soon was enabled to assure the old gentleman that justice would be done and that there could be little to fear if, as he said, "Silas himself" had prepared the papers. The old gentleman turned and walked

out of the court room and, from his actions, was repeating his speech, emphasizing some parts of it with his cane, striking sharply upon the ground. We thought then that this was a remarkable illustration of the confidence that men had in Mr. Wright, and his freedom from error in doing business.

Mr. Wright to Gov. Fairfield, of Maine.

[Extract.]

"Canton, *August* 11*th*, 1847.

"If I were to attempt to tell you how happy we make ourselves, at our retired home, I fear you would be scarcely able to credit me. I even yet realize, every day and hour, the relief from public cares and perplexities and responsibilities, and if any thought about temporal affairs could make me more uneasy than another, it would be the serious thought that I was again to take upon myself, in any capacity, that ever pressing load. I am not, however, troubled with any such thought, and am only occasionally a little vexed that I am constantly suspected of cherishing further vain and unreasonable ambitions.

"I cannot make my visit to you this year. I have become a farmer in earnest, though upon a very humble scale, and I find little leisure for recreation. I labor steadily and enjoy my food and sleep as no politician can. My land is new and hard to work so that I have not the pleasure of show and appearance, but a call for more work. Even if my business would permit I should not dare travel this year, as I should be suspected of doing it for sinister purposes, which would destroy to me all the pleasures of journeying, and cause me to be received and treated as a moving beggar, not for bread, which might be excused, but for favors I do not ask. After this year I shall be relieved from this embarrassment, and then I hope the time may come, when I can visit your State, and yourself and family, and have the pleasure of fishing with you for cod, without the suspicion of being a fisher for men."

Mr. Wright to Heman J. Redfield.

Mr. Redfield was one of the celebrated "seventeen" Senators of 1824, who were "forced into close political and personal associations," with whom Mr. Wright had "maintained a more minute correspondence," and to whom, early in August, 1847, he addressed a letter, from which the following extracts were published, in the Batavia Times.

[Extract.]

"I am trying to become, upon a small scale, a farmer in fact, and have during this season labored very steadily. Each day tires me a good deal, but I eat and sleep well, and enjoy a freedom from care and a contentment which is already becoming very dear to me. As is usual with me in whatever I undertake, my business is already controlling me too much, and I now find it very difficult to command a day for leisure, or recreation.

"My farm is new and, therefore, uncomfortable to work, though not requiring a great deal of labor to bring it to a condition to be either pleasant for labor or productive; but I begin very slowly and patiently, determined not to make my efforts expensive, as I do not expect they will be profitable, in a pecuniary way. The employment I like, and it keeps me out of mischief and from being homesick and discontented at home.

"I have not had an unhappy hour from the personal consequences of my late defeat, while it has given me a happiness in my retirement which I have not known through many long years of my responsible public service."

Referring to the "seventeen" democrats whose votes, in 1824, on the bill for choosing of presidential electors, had caused their names to pass together into history, he remarked:

"Death is, annually, making fearful inroads among the little number, and the fall of each before the great leveler, has been marked by me with painful solicitude."

There are now (1872) but two of them living — his correspondent and Alvin Bronson, of Oswego, the former

eighty-four and the latter ninety years of age—both healthy and active in overseeing their own affairs, with every indication that they may live many years.

Mr. Wright as seen by General Macomb.

"I had occasion to visit Canton, in October, 1838, and as soon as arrived, I inquired for the residence of Mr. Wright. I was directed to a small neat cottage, whither I made my way; and on approaching it, saw a man with his coat off wheeling a wheelbarrow along one of the walks of a very large garden which was attached to the house. As I came near I discovered that the laborer was my friend Wright. He received me with great cordiality; said that his garden was cultivated mainly by his own hands, and that he was putting away his winter vegetables and preparing to depart for Washington, toward the last of the coming month. He further said, with the greatest apparent satisfaction, that he had recently purchased a farm, and intended to extend his agricultural operations. He was asked how large the farm was that he had purchased, to which he said 'twenty acres,' and that either from natural inclination, or the effect of early habits, he was much devoted to the pure and simple pursuits and pleasures of the country."

Correspondence of the Syracuse Star.

"From Sackett's Harbor I descended the St. Lawrence to Ogdensburgh, and from thence by stage to Canton, to visit Gov. Wright, who and myself were personal friends. Besides we both belong to the democratic party; and, though he was at the head of it in the State, and I somewhat near the caudal extremity, still extremes often meet, and I took a friend's privilege to visit him socially. In the morning, after my arrival, I accompanied him to the hay field and admired the ease and grace with which he adorned his translation from public to private life. Ah! could you have seen him, with his cool straw hat and cooler tow pants, and noted how dextrously he handled his scythe, and neatly laid his swaths! Visions of Roman austerity and simplicity—Cincinnatus behind the plow, 'the noblest Roman of them all'

— danced before my sight, and then swelled out into all the pomp and circumstance of glorious reality. I could not but wish that I had a daguerreotype apparatus on hand, to catch the portrait as it was, for the benefit of some future Livy to illustrate and adorn his text. His excellency was in the best of spirits and of health — the scurvy tricks of fortune do not ruffle him a particle."

Rolling a Wheelbarrow.

"A gentleman, now a distinguished general, in Mexico, some few years since, and while standing upon the steps of the hotel now (1847) kept by Henry Foot, inquired for the residence of Mr. Wright. It was pointed out to him; on inquiring if Mr. Wright was at home, was immediately shown him — Mr. Wright that moment passing down the sidewalk, wheeling a wheelbarrow, in his shirt sleeves, in company with an Irishman with whom he was laboring. The general turned in disgust, and remarked that it was a disgrace to the Union. This singular remark was communicated to Mr. W., who remarked that he should have been extremly happy to have seen him — that he was a very fine man, and for whom he entertained a high personal regard."

Much Attached to Home.

"He was very much attached to his home. This reminds us of an incident which illustrates his extraordinary attachment to it, and a most singular peculiarity in the man. Previous to moving to Albany, in 1844, he rented his house to a resident clergyman of the place. Every evening, for some time prior to his departure, he would visit the room, formerly his studio, which adjoins the dining-room, and would invariably draw his chair to a particular position beside the fireplace. The clergyman observed his uniform visit to his house, and particularly that he invariably drew his chair to a uniform place. Being amused at this little incident, the clergyman said to Mr. Wright, 'he observed that he always placed his chair in that one position.' Mr. Wright observed: 'He was very much attached to that place; that he had always occupied that corner and was very much affected to think that he was about to leave it and go to Albany.' He left in the care of the clergyman, a set of dining-room chairs, and very

anxiously requested him to use them and hoped he would do so, as they were an excellent article, and would tend to give the room a natural, and familiar appearance, whenever he should visit it. They were home-made, bark-bottom chairs. On the evening previous to his departure for Albany, he again visited his studio, and drawing his chair to the corner of the room already referred to, remained for some time; and as he left his house for the last time, tears, which he evidently endeavored to suppress, were seen in his eyes."

Practical Equality.

There still remains an immense wilderness in the northerly part of New York, in the southerly part of the counties of St. Lawrence, Franklin, the easterly part of Lewis, the westerly part of Essex and Warren, and northerly part of Saratoga, Hamilton and Herkimer. In this region there are numerous lakes and streams, and several mountains. It is famous for hunting and fishing. Nearly every summer Mr. Wright and his neighbors penetrated this wilderness to hunt and fish, camping out from one to two weeks, carrying their provisions, other than such as the woods and streams afforded, on their backs. On such occasions Mr. Wright always insisted that the packs should be weighed, and he selected and carried the heaviest. In camp he allowed no one to do more than himself for the common cause. This was practical equality, not intended for the public eye.

Having been brought up on the banks of a stream which afforded successful amusement to fishermen, he was exceedingly fond of fishing, and for years visited the St. Lawrence, at or near Ogdensburgh, to indulge this inclination. On such occasions he firmly refused to enjoy privileges not common to all. He was always successful, and his kindness often prevented the Author, who was seldom successful on such occasions, from the criticisms of gazers, should he pass along the streets without a trophy upon a string.

Not Recognized in Farmer Apparel.

"A gentleman residing in the city of New York, and a whig, had some important business to transact with Mr. Wright; called at his residence, and on entering his dining-room, saw a large robust man alone, at a very ordinary looking table, eating a dish of milk, in his shirt sleeves; and supposing him to be Mr. Wright's laboring man, addressed him rather abruptly: 'Is Mr. Wright at home?' Mr. Wright replied, 'That is my name.' 'Well,' replied the gentleman and withal a little offended, 'I mean Senator Wright.' 'I suppose I am Senator,' replied Mr. Wright. The gentleman, not satisfied, said 'he was in earnest; he wished to see Senator Wright on important business and could not be hindered.' Mr. W. said no more, but arose from his chair, rolled down his sleeves, buttoned his wristbands and asked the gentleman into his studio, while he quietly adjusted his apparel, put on his coat and cravat, when the gentleman recognized him, and having greeted each other with a hearty shake of the hand, they proceeded to business, which Mr. Wright dispatched with as great facility as he would load, or unload, hay."

Mr. Wright to His Little Neice, Thirteen Years of Age.

No one can read the following extract without being struck with its delightful simplicity, or fail to appreciate the force and beauty of the moral and religious truth which it inculcates. In everything he said, or did, there was a beautiful vein of natural simplicity and truthfulness, which had a charm, wholly unequaled by the creations of fancy.

"The season of flowers is beginning to open in this northern climate, and, who is not fond of their quiet beauty and sweet fragrance? The early spring brings forth the modest wild flower of the hillside, which blooms for its season, and fades and withers away; and gives place to its successor, and it to another, and another in regular succession, until the close of the series. Each succession, in its day, is equally perfect in form and beauty

and tint and fragrance, according to its nature and race, all equally displaying the wonderful perfection of that Almighty Power which has created all things, from the world we inhabit to the rose and the violet. 'How strikingly emblematic of human life are the flowers of the garden and the field! One is low and modest and simple; another is towering and gaudy and ostentatious. One is delicate in tint and rich in fragrance; another is glowing in colors, but wholly scentless. One is hardy and enduring under almost any change of the seasons; another is delicate and sensitive, and shrinks from the shade and withers at the touch. Yet all spring up and bloom, and fade, and die, some in one stage of existence and some in another.' So with human life. The shades and casts of character are as various as the tints and fragrance of the flowers, and all bloom, and fade, and die — some in infancy, some in the budding season of youth, some in mature life, and some by the frosts of age; but all, all die; and, as with flowers, the autumn and winter of years close the series with one generation, to make room for another, and another, and another.

"SILAS WRIGHT."

These extracts prove that Mr. Wright was supremely happy at his much-loved home at Canton, among his genial neighbors and friends.

Chapter CLIII.

Did Mr. Wright regret being sacrificed for his principles and friends?

It has been elsewhere stated that Mr. Wright clearly foresaw and calculated the consequences to flow from his nomination for Governor in 1844. It is now certain that he yielded to the wishes of his friends as a matter of duty, expecting that he would become a sacrifice by so doing. The following letter fully proves this, though few of his friends contemplated such unlooked for results, though feared by the Author. It is a safe opinion to express that few, if any, real friends would have urged, or even assented to, his nomination, if they had anticipated the result that finally followed. Their object was, it is believed, his elevation, and not his downfall, by their unwise efforts to change his official position from one where he was happy, content and widely useful, to one where he was neither happy nor specially useful.

Extract from a Letter from Mr. Wright to a Friend.

"Canton, 21*st July*, 1847.

"My Dear Sir. — It affords me sincere pleasure to acknowledge your very kind favor of the fifteenth, though I am so much engaged in haying as to be able to give you but a brief reply to it.

"You do me but justice in assuming that the regret I have felt, and yet feel, at my political defeat, last fall, is much more on account of my friends — those who have been friends through good and through evil report, and who have claims upon me which I never could, in my situation, have discharged — than on my own account. Indeed, I had long been sensible that it was time for me to retire, and felt a strong presentiment that, if I did

not do it voluntarily, I should find myself compelled to do it, without my consent, before much more time could elapse. I was so perfectly convinced, when I consented to be Governor, that the termination would be just when and as it has been, that I can scarcely say I have been disappointed. Still, I am perfectly satisfied that it was my duty to yield upon that occasion, and that my friends did right to urge me to it. Had it not been done, and our State had been lost in 1844, the failure of our party and our measures and principles in the nation would have been imputed to us, and to me prominently. That would have placed us in a worse position than we are now in, and the fault would have been said to be, and would have been believed to be, ours, while we are now blameless, and have only shared the fate too often met by honest men, that of a defeat in an attempt to carry out and establish honest principles. Still, there has been something very remarkable in the passage of events. The independent treasury has been established and is in operation. We have succeeded in establishing the most sound and safe financial principles in our new Constitution, and yet the party which alone, as a party, was favorable to these reforms, was beaten at the very election which adopted them. All this shows that our principles possess a strength with our people which our men do not. Or perhaps it may be as true to say that our people are more careful in distinguishing principles than men, and while they adhere to what is sound in the former, they can be gulled by pretenders as to the latter. I cannot but look upon the efforts now making by the combination of the whigs and the unsound portion of our own party, as intended to defeat our great principles, not by making open opposition, but by yielding to them in form and selecting hostile agents to administer them. And I am compelled to apprehend that another great battle must be eventually fought to correct this error, or that we shall have gained nothing; I confess that I am not without deep fears that the principles may be practically undermined before the public mind will become aroused to a sufficient sense of the danger.

"Yet, personally, I am content as a man can be, and not a day passes that I do not find cause for joy that I am out of the way and clear from the cares and responsibilities of these ever per-

plexing public affairs. I have no ambitions to gratify and no griefs to indulge, and I take a pleasure I cannot express in feeling free to express my opinions as a private citizen."

After reading this letter, there can be no grounds for doubting that in accepting the nomination for Governor, in 1844, Mr. Wright conformed to the dictates of duty as he understood them, and that he cheerfully accepted the consequences which followed, even when they consigned him to private life, at a time when the American people were looking to him as their next chief magistrate.

How Mr. Wright actually received the intelligence of his defeat is fully described by Dr. Little, a conservative, in a letter addressed to Mr. Hammond, the historian, which is in these words:

"Albany, *December 21st*, 1847.

"Hon. J. D. Hammond:

"Dear Sir. — On the afternoon of the day after the November election, in 1846, I called at the residence of Mr. Flagg, the Comptroller, in company with Lester Barker, Esq., the present sheriff of Oneida county. We found there Mr. and Mrs. Wright. The dispatches had been but a short time received that rendered it certain that Mr. Wright was beaten. I was, of course, aware of the immense importance that attached to the result of that election, not to the democratic party and Mr. Wright's personal friends alone, but to him individually. His opponents said that, if he was defeated in that contest, there was an end of his career as a public man, and that once removed from the public eye, and in retirement, both the man and his history would be speedily forgotten. This sentiment, though not avowed, I know was shared in some degree by his warmest friends, and I was curious to see how a man, whose public course for a quarter of a century had been one of uniform and unvarying success, could bear a reverse which stripped him in a moment of his employment and consigned him inevitably to retirement. I observed him closely during a conversation of an hour and a half, and was fully impressed, by his language and demeanor, that he was not only a great statesman, but a profound philosopher. Not the least

appearance of mortification or disappointment was visible. His manner and conversation were of the same cheerful, affable kind which always characterized him, and neither more nor less so. There was no affectation of indifference to the result — no desire on his part to turn the conversation into other channels than the then engrossing topic — no word of censure or reproach for those of his own party who had abandoned him in the struggle — no disparagement of his competitor or the opposing party. He inquired for the news we brought in his usual smiling, pleasant manner — spoke of the probable returns from counties not then heard from — and all in a manner which, to an observer who did not know him personally, would have appeared only like the natural interest a statesman, who had long been retired from active life, would feel in political events which had long since ceased to have for him any personal concern.

"I left that interview, the last I ever had the honor to have with him, more deeply impressed than ever with the conviction, that with all the great and noble qualities which elevate, dignify and adorn human nature, Silas Wright was pre-eminently endowed. He was truly a great man.

"G. W. LITTLE."

There is other evidence upon this point. No one can question the truthfulness of his oft repeated expressions among his immediate neighbors and friends. No persons knew better than they the sacrifices he often made for friends during his long residence among them. They believed, from their own observation and their exchange of thoughts with him, that he cheerfully consented to sacrifice himself for his friends, and for the promotion of the common cause — the success of democratic principles — which he and they sought to promote. Mr. Wright was an instance of self-sacrifice, knowingly made, concerning which he never expressed a single regret, and those who knew him most intimately do not believe he ever felt any. Not the least evidence of anything of the kind has ever fallen within our observation, and we do not believe any will ever be found.

Extract from a Letter Addressed by Mr. Wright to James H. Titus, Dated 15th of April, 1847, on the Subject of his Opinions on Political Subjects.

"You may think me over sensitive upon this subject. I am so, as to the appearance of a wish to keep myself or my opinions before the public. I find myself almost too happy in my quiet home, and sincerely hope that no event will again call me into public life. I have been a long time under the cares and responsibilities of high office, and I did not know what a relief it would be to find myself again a free man. I can scarcely yet realize the sensation, and a resumption of those cares and responsibilities is already a fearful and unpleasant thought. So far from experiencing regret at my discharge, taking into consideration the manner of it also, I find it has made me happier than I had hoped to be, and I have no desire to try again in the hope of a better termination.

"I thank you most sincerely for your friendship, manifested upon this as upon all other occasions. A few such friends and a few such evidences of friendship, retained in defeat, are more than a compensation for the defeat itself."

The foregoing evidence, we think, conclusively establishes the fact that Mr. Wright did not regret being sacrificed for his principles and friends. He deemed it a clear duty. His theory, that mankind are the most happy when performing their duty, would leave no room to doubt that he felt no regrets to embitter his retirement from the cares of public office. Those who mingled in daily intercourse with him after his return to Canton saw nothing to render the correctness of these opinions doubtful.

CHAPTER CLIV.

VIEWS OF AGRICULTURE AND ADDRESS.

It may safely be affirmed, that Mr. Wright's favorite employment was on the farm. Tilling the soil, and attending herds and flocks, afforded him his highest enjoyment. He seemed not to be a lover of horses, never having owned but one — the gift of his father, which bore him to St. Lawrence — which soon passed to other hands. He would gaze upon cattle with great apparent delight, and dwell upon their apparent perfections and defects. Clearing off land and working soil had charms for him which few can appreciate. He would linger opposite well cultivated fields, studying the appearance and growth of the crops, as if they gave him unmingled pleasure. When a lad, it was with great reluctance that he turned his back upon the old farm and faced the temples of learning. He had then learned to handle, with skill and dexterity, the implements of farming. He used them on various occasions before and after his admission to the bar, and did not cease to enjoy their use while representing New York in the United States Senate, or presiding over her as her chief magistrate. His thorough education in the law, his skill in the management of complicated cases, and his talents, if devoted to his profession, would have placed him at the head of the bar, where both fortune and fame were at his command. Political honors were clearly within his reach. But his heart was in neither, but it clung to the pursuits of his boyhood — to agriculture. He did not turn to this to accumulate money, for little is made by it; nor for fame, for he had that; nor for office, which he had never sought, but had long studi-

ously avoided. He wooed agriculture because he loved it. On retiring from the office of Governor, he designed to devote his life to that employment, as the sure road to happiness.

His devotion to this pursuit, and his extended observation of human pursuits and deep reflection upon them, his great sagacity and knowledge of political economy, pointed him out to the New York State Agricultural Society as a suitable person to deliver an address before them, at their annual meeting, to be held at Saratoga on the 16th of September, 1847. On application by the society, he consented to prepare and deliver an address. This was completed before his death, and was read to the society and assembled thousands by his bosom friend, Gen. John A. Dix. The address shows his devotion to agriculture, and presents new and striking views connected with the subject. This address is looked upon as the great crowning labor of his maturer years, and will shed a lasting light upon a subject measurably involved in darkness. Experience had shed a light of feeble strength upon many agricultural subjects, but this address presents broad views of the philosophy of practical agriculture, and political economy when blended and applied to that subject. Abstruse questions are made plain, and adapted to the understanding of the common mind. Had this been the sole production of his life, he would have left a record most useful to that class of our fellow-citizens which he admired, to which his friends might point with an honest and becoming pride.

General Dix's Remarks.

"Mr. President and gentlemen of the Society: I have come here, at your request, to perform a melancholy duty — to read to you and this assembly, the annual address prepared for the occasion by Silas Wright. In the order of your proceedings it was to have been delivered by himself. The providence of God has

overruled your arrangements. The voice which was to have been heard by the thousands assembled here is silenced forever. He who was to have stood before you, where I now stand, and to have borne a prominent part in your proceedings, has gone down, in the fullness of health and strength, to the tomb. The large space which Mr. Wright filled in the public eye, his great talents and moral elevation of character, renders that bereavement a national calamity. The general gloom which the intelligence of his death carried with it attests the profound respect in which he was held by his countrymen, and the strong impression which his character and services had wrought in the public mind.

"The admonition contained in these hidden dispensations of Providence is the more solemn, when those who are conspicuous for their intellect and virtue, are called from the field of their labor while they are yet fresh and vigorous, and when the path they tread seems but an avenue to higher distinction. It is thus that the career of Mr. Wright has been terminated, while his faculties were in full vigor, and while much of the high promise of his life was yet to be fulfilled. His death is the more impressive at this time, and in this place, from the peculiar circumstances by which his name is connected with the proceedings of the day. The intellectual labor in which he had been engaged, at the invitation of the society, had been performed, the address he was to have delivered was completed, during the very last hours of his life. Thus, the accomplishment of the task he had undertaken for the society may be said to have been coincident with the termination of his earthly career.

"I am not here, Mr. President and gentlemen, to pronounce a eulogy on the character or public services of Mr. Wright; but to perform the more humble part of reading to you the address which lies before me — the last labor of his life — and which seems to come as a legacy to the society, to his friends, and to his countrymen. At the same time, I have thought that it might not be inappropriate or unsatisfactory to refer briefly to some of the circumstances attending his decease.

"It is well known that Mr. Wright for the last twenty years has held, without interruption, various public trusts, requiring

incessant mental labor, and leading to a habitually sedentary life. In the intervals of his service in the Senate of the United States, from 1833 to 1845, a portion of his time was devoted to the cultivation of his garden and a few acres of land, by his own hands. While Governor of the State he purchased an additional quantity of land, and when relieved from the duties of the executive office, he applied himself with great diligence and zeal to the improvement of it. His labor was not merely that of superintendence. He was himself a principal laborer in all his agricultural operations. He hired an able-bodied, hard-working man, and went with him into the field, plowing, mowing and harvesting, and performing himself a full share of labor; and, after the fatigues of the day, retiring to his study and passing his evenings in reading and correspondence. To these excessive exertions of body and of mind, and to the too rapid transition from a life of comparative bodily inactivity to one of severe manual labor, is doubtless to be traced the sudden attack, which terminated his existence. I need not dwell upon details, which have been so widely circulated, and are now so generally known. Suffice it to say, that on the morning after he had revised the address which I am about to read, and after having made a few corrections, leaving it word for word as it now is, and probably precisely what it would have been if he had lived to deliver it himself, he was seized with a severe pain in the breast at the village post-office, walked calmly to his house with a few friends, and in two hours had as calmly breathed his last.

"Such, gentlemen, were the last hours of Silas Wright! The same calmness which distinguished him throughout all the changes of his life, accompanied him at its close. From the first moment of his attack he appeared to understand its fatal character, and he submitted to it without a struggle or a murmur.

"In him perished one of the purest models of a citizen and a statesman the country contained. He may be said, indeed, to have been the impersonation of the true character and spirit of her institutions. In the traditions and legends of early ages, before these eras of legitimate history, their periods are marked by the lives and actions of distinguished personages, invested with the ruling characteristics of the communities of which they

were the intended types. The spirit of the political system is thus illustrated by the individual example. Mr. Wright might have been copied, without any coloring of the imagination, as an example of the genius of ours — of what it is and what it ought to be — of its simplicity, its purity and its strength. Plain and unostentatious in his manners, serene amid all the agitations of life, unambitious of wealth and honors, singularly courteous and kind in all his intercourse with others, equally dignified, whether dealing with the most complex questions of public policy in the Senate chamber, or when tilling, with Roman simplicity, his own field; he recalled to mind those classic examples of distinguished patriotism and virtue, which gave lustre to the times in which they existed, and which have come down to us consecrated by the memory of ages.

"The close of his life was in harmony with its whole course. It was appropriate that the last labors of his hands should have been performed with the implements of husbandry, and that the last effort of his mind should have been given to the cause of agriculture, a pursuit to which the great mass of his countrymen are devoted, and on which the purity of the body politic and the durability of our social system pre-eminently depend.

"With these remarks, which I could not forbear to make, and for which the occasion will furnish my apology, I proceed to read the

Address.

"'Mr. President and gentlemen of the State Agricultural Society: Had it been my purpose to entertain you with a eulogium upon the great interest confided to your care — the agriculture of the State — I should find myself forestalled by the exhibition which surrounds us, and which has pronounced that eulogy to the eye much more forcibly, impressively, eloquently, than I could command language to pronounce it to the ear of this assembly.

"'Had I mistakenly proposed to address to you a discourse upon agricultural production, this exhibition would have driven me from my purpose, by the conviction that I am a backward and scarcely initiated scholar, standing in the presence of masters, with the least instructed and experienced of whom it would be my duty to change places. The agriculture of our State, far as it yet is from maturity and perfection, has already become an art, a science, a profession, in which he who would instruct must be first himself instructed, far beyond the advancement of him who now addresses you.

"'The pervading character of this great and vital interest, however — its intimate connection with the wants, comforts and interests of every man in every employment and calling in life, and its controlling relations to the commerce, manufactures, substantial independence, and general health and prosperity of our whole people — present abundant subjects for contemplation upon occasions like this, without attempting to explore the depths or to define the principles of a science so profound, and, to the uninitiated, so difficult, as is that of agriculture.

"'Agricultural production is the substratum of the whole superstructure — the great element which spreads the sail and impels the car of commerce, and moves the hands and turns the machinery of manufacture. The earth is the common mother of all, in whatever employment engaged, and the fruits gathered from its bosom are alike the indispensable nutriment and support of all. The productions of its surface and the treasures of its mines are the material upon which the labor of the agriculturist, the merchant and the manufacturer are alike bestowed, and are the prize for which all alike toil.

"'The active stimulus which urges all forward, excites industry, awakens ingenuity and brings out invention, is the prospect or the hope of a market for the productions of their labor. The farmer produces to sell; the merchant purchases to sell; and the manufacturer fabricates to sell. Self-consumption of their respective goods, although an indispensable necessity of life, is a mere incident in the mind impelled to acquisition. To gain that which is not produced, or acquired by the sale of that which is possessed, is the great struggle of laboring man.

"'Agricultural production is the first in order, the strongest in necessity, and the highest in usefulness, in this whole system of acquisition. The other branches stand upon it, are sustained by it, and without it could not exist. Still it has been almost uniformly, as the whole history of our State and country will show, the most neglected. Apprenticeship, education, a specific course of systematic instruction, has been, time out of mind, considered an indispensable prerequisite to a creditable or successful engagement in commercial or mechanical pursuits; while to know how to wield the axe, to hold the plow, and to swing the scythe, has been deemed sufficient to entitle the possessor of that knowledge to the first place and the highest wages in agricultural employment.

"'A simple principle of production and of trade, always practically applied to manufactures and commerce — that the best and cheapest article will command the market and prove the most profitable to the producer and the seller, because most beneficial to the buyer and consumer — is but beginning to receive its application to agriculture. The merchant who, from a more extensive acquaintance with his occupation, a more attentive observation of the markets, better adapted means and a more careful application of sound judgment, untiring energy and prudent industry, can buy

the best and sell the cheapest, has always been seen to be the earliest and surest to accomplish the great object of his class, an independence for himself. So the mechanic who, from a more thorough instruction in the principles and handicraft of his trade, or a more intense application of mind and judgment with labor, can improve the articles he fabricates, or the machinery and modes of their manufacture, and can thus produce the best and sell the cheapest, has always been seen to reach the same advantage over his competitors, with equal readiness and certainty; and that these results should follow these means and efforts has been considered natural and unavoidable.

"'Still the agriculturist has been content to follow in the beaten track; to pursue the course his fathers have ever pursued, and to depend upon the earth, the seasons, good fortune and Providence, for a crop, indulging the hope that high prices might compensate for diminished quantity or inferior quality. It has scarcely occurred to him that the study of the principles of his profession had anything to do with his success as a farmer, or that what he had demanded from his soils should be considered in connection with what he is to do for them, and what he is about to ask them to perform. He has almost overlooked the vital fact that his lands, like his patient teams, require to be fed to enable them to perform well; and especially has he neglected to consider that there is a like connection between the quantity and quality of the food they are to receive, and the service to be required from them. Ready, almost always, to the extent of their ability, to make advances for the purchase of more lands, how few of our farmers, in the comparison, are willing to make the necessary outlays for the profitable improvement of the land they have.

"'These and kindred subjects are beginning to occupy the minds of our farmers, and the debt they owe to this society for its efforts to awaken their attention to these important facts, and to supply useful and practical information in regard to them, is gradually receiving a just appreciation, as the assemblage which surrounds us, and the exhibitions upon this ground, most gratifyingly prove.

"'Many of our agriculturists are now vigorously commencing the study of their soils, the adaptation of their manures to the soil and the crop, the natures of the plants they cultivate, the food they require, and the best methods of administering that food to produce health and vigor and fruit; and they are becoming convinced that to understand how to plow, and sow and reap, is not the whole education of a farmer; but that it is quite as important to know what land is prepared for the plow, and what seed it will bring to a harvest worthy of the labors of the sickle. Experience is steadily proving that, by a due attention to these considerations, a better article, doubled in quantity, may be produced from the same acre of ground with a small proportionate increase of labor and expense; and that the farmer who pursues this improved system of agriculture, can, like the merchant

and mechanic referred to, enter the market with a better production, at a cheaper price, than his less enterprising competitor.

"'This change in the agriculture of our State and country opens to the mind reflections of the most cheering character. If carried out to its legitimate results it promises a competition among our farmers, not to obtain the highest prices for inferior productions but to produce the most, the best and the cheapest of the necessaries of human life. It promises agricultural prosperity, with cheap and good bread furnished in abundance to all who will eat, within the rule prescribed to fallen man, in the sacred volume of the divine law.

"'Steady resolution and persevering energy are requisite to carry forward these improvements to that degree of perfection dictated alike by interest and by duty, and the stimulus of a steady and remunerating market will rouse that resolution and nerve that energy. Without this encouragement in prospect, few will persevere in making improvements which require close and constant mental application, as well as severe physical labor. Agriculture will never be healthfully or profitably prosecuted by him whose controlling object is his own consumption. The hope of gain is the motive power to human industry, and is as necessary to the farmer as to the merchant or manufacturer. All who labor are equally stimulated by the prospect of a market which is to remunerate them for their toil; and without this hope neither mental activity nor physical energy will characterize their exertions. True it is that the farmers of our country, as a class, calculate less closely the profits of their labor and capital than men engaged in most other pursuits, and are content with lower rates of gain. The most of them own their farms, their stocks and farming implements, unincumbered by debt. Their business gives but an annual return. They live frugally, labor patiently and faithfully, and, at the close of the year, its expenses are paid from its proceeds, the balance remaining being accounted the profits of the year. Although a moderate sum, it produces contentment, without a computation of the rate per cent upon the capital invested, or the wages it will pay to the proprietor and the members of his family. The result is an advance in the great object of human labor, and, if not rapid, it is safe and certain. It is a surplus beyond the expenses of living, to be added to the estate, and may be repeated in each revolving year.

"'If, however, this surplus is left upon the hands of the farmer in his own products, for which there is no market, his energies are paralyzed, his spirits sink, and he scarcely feels that the year has added to his gains. He sees little encouragement in toiling on, to cultivate, beyond his wants, productions which will not sell; and the chances are that his farm is neglected, his husbandry becomes bad, and his gains in fact cease.

"'To continue a progressive state of improvement in agriculture, then, and to give energy and prosperity to this great and vital branch of human industry, a healthful and stable market becomes indispensable, and no object

should more carefully occupy the attention of the farmers of the United States.

"'Deeply impressed with the conviction of this truth, benevolent minds have cherished the idea that a domestic market, to be influenced only by our own national policy, would be so far preferable in stability and certainty to the open market of the commercial world, as to have persuaded themselves that a sufficient market for our agricultural products is thus attainable. It is not designed to discuss the soundness of this theory, where it can be reduced to practice; but only to inquire whether the state of this country, the condition of its society, and the tendency and inclination of its population as to their industrial pursuits, are such, at the present time, or can be expected to be such for generations yet to come, as to render it possible to consume within the country the surplus of the productions of our agriculture. The theory of an exclusive domestic market for this great domestic interest is certainly a very beautiful one as a theory, and can scarcely fail to strike the mind favorably upon a first impression. Still, examination has produced differences of opinion between statesmen of equal intelligence and patriotism, as to its influences upon the happiness and prosperity of a country and its population. Any examination of this question would lead to a discussion properly considered political, if not partisan, and all such discussions it is my settled purpose to avoid, as inappropriate to the place and the occasion.

"'I simply propose to inquire as to a fact, which must control the application of theories and principles of political economy, touching this point, to our country and its agricultural population, without raising any question as to the wisdom of the one or the soundness of the other. Is the consumption of this country equal to its agricultural production, or can it become so within any calculable period of years? How is the fact? May I not inquire without giving offense, or transcending the limits I have prescribed for myself in the discussion? Can a fair examination, scrupulously confined to this point, take a political bearing, or disturb a political feeling? It is certainly not my design to wound the feelings of any member of the society, or of any citizen of the country; and I have convinced myself that I may make this inquiry, and express the conclusions of my own mind as to the result, without doing either. If I shall prove to be in error, it will be an error as to the fact inquired after, and not as to the soundness of the principle in political economy dependent upon the fact for its application, because as to the soundness of the principle I attempt no discussion and offer no opinion. It will be an error as to the applicability of a theory to our country, and not as to the wisdom or policy of the theory itself, because of the soundness or unsoundness of the theory, when it can be practically applied, I studiously refrain from any expression, as inappropriate here. With the indulgence of the society, I will inquire as to the fact.

"'Our country is very wide and very new. It embraces every variety of

climate and soil, most favorable to agricultural pursuits. It produces already almost every agricultural staple, and the most important are the ordinary productions of extensive sections of the country, and are now sent to the markets in great abundance. Yet our agriculture is in its infancy almost everywhere, and at its maturity nowhere. It is believed to be entirely safe to assume that there is not one single agricultural county in the whole Union, filled up in an agricultural sense; not one such county which has not yet land to be brought into cultivation, and much more land the cultivation of which is to be materially improved before it can be considered as having reached the measure of its capacity for production. If this be true of the best cultivated agricultural county in the Union, how vast is the proportion of those counties which have entire townships, and of the States which have not merely counties but entire districts, yet wholly unpeopled and unreclaimed from the wilderness state?

" 'When to this broad area of the agricultural field of our country we add our immense territories, organized and unorganized, who can compute the agricultural capacities of the United States, or fix a limit to the period when our surplus agricultural productions will increase with increasing years and population? Compare the census of 1830 and 1840 with the map of the Union, and witness the increase of population in the new States, which are almost exclusively agricultural, and who can doubt the strong and resistless inclination of our people to this pursuit?

" 'Connect with these considerations of extent of country, diversity of soils, varieties of climate and partial and imperfect cultivation, the present agricultural prospects of this country. Witness the rapid advances of the last dozen years in the character of our cultivation, the quality and quantity of our productions from a given breadth of land, and the improvements in all the implements by which the labor of the farmer is assisted and applied. Mark the vast change in the current of educated mind of the country in respect to this pursuit; the awakened attention to its high respectability as a profession, to its safety from hazards, to its healthfulness to mind and body, and to its productiveness. Listen to the calls for information, for education, upon agricultural subjects, and to the demands that this education shall constitute a department in the great and all-pervading system of our common school education — a subject at this moment receiving the especial attention, and being pressed forward by the renewed energies of this society. Behold the numbers of professors, honored with the highest testimonials of learning conferred in our country, devoting their lives to geological and chemical researches, calculated to evolve the laws of nature connected with agricultural production. Go into our colleges and institutions of learning, and count the young men toiling industriously for their diplomas, to qualify themselves to become practical and successful farmers, already convinced that equally with the clerical, the legal and the medical professions, that of agriculture requires a thorough and systematic education, and its

successful practice the exercise of an active mind, devoted to diligent study.

"'Apply these bright and brightening prospects to the almost boundless agricultural field of our country, with its varied and salubrious climate, its fresh and unbroken soils, its cheap lands and fee simple titles, and who can hope, if he would, to turn the inclinations of our people from this fair field of labor and of pleasure? Here the toil which secures a certain independence, is sweetened by the constant and constantly varying exhibitions of Nature in her most lovely forms; and cheered by the most benignant manifestations of the wonderful power and goodness of nature's God.

"'Cultivated by the resolute hands and enlightened minds of freemen, owners of the soil, properly educated as farmers, under a wise and just administration of a system of liberal public instruction, should and will be, and aided by the researches of geology and chemistry, who can calculate the extent of the harvests to be gathered from this vast field of wisely directed human industry?

"'The present surplus of bread-stuffs of this country could not have been presented in a more distinct and interesting aspect than during the present year. A famine in Europe, as widespread as it has been devastating and terrible, has made its demands upon American supplies, not simply to the extent of the ability of the suffering to purchase food, but in superadded appeals to American sympathy in favor of the destitute and starving. Every call upon our markets has been fully met, and the heart of Europe has been filled with warm and grateful responses to the benevolence of our country, and of our countrymen; and yet the avenues of commerce are filled with the productions of American agriculture. Surely, the consumption of this country is not now equal to its agricultural production.

"'If such is our surplus in the present limited extent and imperfect condition of our agriculture, can we hope that an exclusive domestic market is possible, to furnish a demand for its mature abundance? In this view of this great and growing interest, can we see a limit to the period when the United States will present, in the commercial markets of the world, large surpluses of all the varieties of bread-stuffs, of beef, pork, butter, cheese cotton, tobacco and rice, beyond the consumption of our own country? And who, with the experience of the last few years before him, can doubt that the time is now at hand when the two great staples of wool and hemp will be added to the list of our exportations?

"'These considerations, and others of a kindred character which time will not permit me to detail, seem to me, with unfeigned deference, to prove that the agriculture of the United States, for an indefinite period yet to come, must continue to yield annual supplies of our principal staples far beyond any possible demand of the domestic market, and must therefore remain, as it now is and has ever been, an exporting interest. As such it must have a direct concern in the foreign trade and commerce of the coun-

try, and in all the regulations of our own and of foreign governments which affect either, equal to its interest in a stable and adequate market.

"'If this conclusion be sound, then our farmers must surrender the idea of a domestic market to furnish the demand and measure the value of their productions, and must prepare themselves to meet the competition of the commercial world, in the markets of the commercial world, in the sale of the fruits of their labor. The marts of commerce must be their market, and the demand and supply which meet in those marts must govern their prices. The demand for home consumption as an element in that market, must directly and deeply interest them, and should be carefully cultivated and encouraged; while all the other elements acting with it, and constituting together the demand of the market, should be studied with equal care, and, so far as may be in their power and consistent with other and paramount duties, should be cherished with equal care. Does any one believe that, for generations yet to come, the agricultural operations of the United States are to be circumscribed within narrower comparative limits than the present; or that the agricultural productions of the country are to bear a less ratio to our population and consumption than they now do? I cannot suppose that any citizen, who has given his attention to the considerations which have been suggested, finds himself able to adopt either of these opinions. On the contrary, I think a fair examination must satisfy every mind that our agricultural surplus, for an indefinite future period, must increase much more rapidly than our population and the demand for domestic consumption. This, I believe, would be true without the efforts of associations such as this to improve our agriculture. The condition of the country, and the inclination and preference of our population for agricultural pursuits, would render this result unavoidable; and if this be so, when the impetus given to agricultural production by the improvements of the day; the individual and associated efforts constantly making to push forward these improvements with an accelerated movement; the mass of educated mind turned to scientific researches in aid of agricultural labor; the dawning of a systematic and universal agricultural education, and the immense bodies of cheap and fresh and fertile lands, which invite the application of an improved agriculture, are added to the account, who can measure the extent or duration of our agricultural surplus, or doubt the soundness of the conclusion that the export trade must exercise a great influence upon the market for the agricultural productions of the country, for a long series of years to come?

"'Such is the conclusion to which my mind is forced, from an examination of this subject in its domestic aspect simply; but there is another now presented of vast magnitude and engrossing interest, and demanding alike from the citizen and statesman of this Republic, the most careful consideration. All will at once understand me as referring to the changes, and promises of change, in the policy of the principal commercial nations of the

world touching their trade in the productions of agriculture. By a single step, which was nothing less than commercial revolution, Great Britain practically made the change as to her trade; and subsequent events have clothed with the appearance of almost superhuman sagacity the wisdom which thus prepared that country to meet the visitation of famine which has so soon followed, without the additional evil of trampling down the systems of law to minister to the all controlling necessities of hunger. Changes similar in character and measurably equal in extent, though in many cases temporary in duration, have been adopted by several other European governments, under circumstances which render it very doubtful, how soon, if ever, a return will be made to the former policy of a close trade in the necessaries of human life. New markets, of vast extent and incalculable value, have thus been opened for our agricultural surplus, the durability and steadiness of which it is impossible yet to measure with certainty.

"'It is in our power to say, however, that a great body of provocations to countervailing restrictive commercial regulations is now removed, in some instances permanently, and in others temporarily, in form; and it would seem to be the part of wisdom for the agriculture of this country, by furnishing these markets, to the extent of the demand, with the best articles, at the fairest prices, to show to those countries, and their respective governments, that reciprocal commercial regulations, if they offer no other and higher attractions, present to their people a safeguard against starvation.

"'Such is the connection, now, between our agriculture and the export trade and foreign market, and these relations are to be extended and strengthened rather than circumscribed and weakened, by our agricultural advances. The consumption of the country is far short of its production, and cannot become equal to it within any calculable period. On the contrary, the excess of production is to increase with the increase of population and settlement, and the improvements in agriculture and agricultural education. These appear to me to be facts, arising from the condition of our country, and the tastes and inclinations of our people, fixed beyond the power of change, and to which theories and principles of political economy must be conformed, to be made practically applicable to us. The American farmer, then, while carefully studying, as he should not fail to do, the necessities, the wants and the tastes of all classes of consumers of his productions in his own country, must not limit his researches for a market within those narrow bounds. He must extend his observations along the avenues of commerce, as far as the commerce of his country extends or can be extended, and instruct himself as to the necessities and wants and tastes of the consumers of agricultural productions in other countries. He must observe attentively the course of trade, and the causes calculated to exert a favorable or adverse influence upon it; watch closely the commercial policy of other countries, and guard vigilantly that of his own; accommodate his produc-

tions, as far as may be, to the probable demands upon the market, and understand how to prepare them for the particular market for which they are designed. Next to the production of the best article, at the cheapest price, its presentation in market in the best order and most inviting condition is important to secure to the farmer a ready and remunerating market. So long as our agricultural products shall continue to be an exporting interest, these considerations, as second only to the science of production itself, will demand the careful attention and study of our farmers; and in any well digested system of agricultural education, its connection with manufactures and the mechanic arts, with commerce, with the commercial policy of our own and other countries, and with the domestic and foreign markets, should hold a prominent place. A thorough and continued education in these collateral, but highly necessary, branches of knowledge to the farmer, will prove extensively useful to the American citizen, beyond their application to the production and sale of the fruits of his labor. They will qualify him the more safely and intelligently to discharge the duties of a freeman, and, if called by his fellow-citizens to do so, the more beneficially to serve his State and country in legislative and other public trusts.

"'I hope I may offer another opinion, in this connection, without giving offense, or trespassing upon the proprieties of the place and occasion. It is that this education in the just and true connection between the agricultural, the commercial and the manufacturing interests of our country, equally and impartially disseminated among the classes of citizens attached to each of these great branches of labor, would effectually put an end to the jealousies too frequently excited; demonstrating to every mind, so educated that, so far from either being, in any degree, the natural antagonist of the other, they are all parts of one great and naturally harmonious system of human industry, of which a fair encouragement to any part is a benefit to all; and that all invidious and partial encouragement to any part, at the expense of any other part, will prove to be an injury to all. The education proposed will do all that can be done to mark the true line between natural and healthful encouragement to either interest, and an undue attempt to advance any one, at the expense of the united system, merely producing an unnatural and artificial relation and action, which cannot fail to work disease and injury.

" 'The labors of this society, and of kindred associations, have done much to inform the minds of our farmers in these collateral branches of knowledge useful to them, and much remains to be done. The science of production claims the first place and is a wide field as yet so imperfectly cultivated as to afford little time for collateral labors. To secure a stable and healthful market, and to learn how to retain and improve it, also opens an extensive field for the mental labors and energies of the farmer. Between these objects the relation is intimate and the dependence mutual. The production makes the market and the market sustains the production.

The prospect of a market stimulates to activity in the field of production, and the fruits of that activity urge the mind to make the prospect real. Success in both contributes to the health and vigor and prosperity of agriculture, and of that prosperity, commerce and manufactures cannot fail largely to partake. All are willing to promote the cause of agriculture in our State and country. Most are ready to lend an active co-operation, and all are cheerful to see accomplished any valuable improvement in this great branch of productive industry. The difficulty hitherto has been in adopting any general plan to effect this desirable object. Hence, most usually, when the public mind has been awakened to the subject, arbitrary, and in many cases visionary, experiments have been introduced, based upon no philosophical investigation of cause and effect, but upon some accidental trial by a single individual of some novel mode of culture, which, under the circumstances attending the experiment, has met with success. This single experiment, without an inquiry into, or a knowledge of the cause, which, in the given case, has secured the successful results, is at once recommended as an infallible rule of husbandry. The publication and dissemination of detached experiments of this character, for a long period, constituted the most material additions to the stock of literary information, connected with agriculture, supplied to our farmers; while many of the experiments were too intricate and complicated to be reduced to practice with any certainty or accuracy, and others were so expensive that the most perfect success would not warrant the outlay. Unsuccessful attempts to follow the directions given for making these experiments brought what came to be denominated "book farming" into great disrepute with the industrious, frugal and successful farmers of the country, and excited a jealousy of and a prejudice against this description of information upon agricultural subjects, which it has cost years of patient and unceasing effort in any measure to allay, and which are not yet removed.

"'In the mean time, geological research, heretofore principally confined to investigations into the mineral kingdom proper, has been extended to its legitimate office, and has brought within its examinations the formation of the various soils and their minute constituent parts. Chemistry has commenced where geology closed, and by a careful analysis of these constituents of the various soils, of the principal agricultural products, and of the usual manures, is laboring to establish, upon philosophical principles, the true relations between the soil and the manure to be applied, and between both and the crop to be planted and produced. It is seeking out, with rapid success, the appropriate food of the various vegetables cultivated by the farmer, the soils and manures in which the food for each is found, and the way in which it may be most successfully administered. So with the food of the domestic animals, and the most economical manner of feeding it. These investigations are the reverse of the former system of arbitrary experi-

ments. There a result was made to justify the arbitrary means adopted to produce it. Here causes are ascertained, and, being so ascertained, are relied upon to produce their natural effect, which effect is the result sought. The importance of this great subject is effectually arousing the attention of the literary and scientific men of the country, and the success already experienced is drawing to these researches minds qualified for the labor, and energies equal to its rapid advancement. The progress made is bringing together the unsettled mind of the country, and producing the very general impression that the time has arrived when the foundations of a systematic, practical agricultural education should be laid, and the superstructure commenced. It is universally conceded that agriculture has shared but lightly in the fostering care and government patronage which have been liberally extended to commerce and manufactures; nor is it believed that additional public expenditure is necessary to enable the State to do all that can reasonably be required of it, to accomplish this great object. Our educational funds are rich, and the colleges, academies and common schools of the State share liberally in the distribution from them, while a normal school for the education of teachers, instituted at the seat of government, is also mainly supported from these funds. These institutions present the organization through which, perhaps, better than through any independent channel, this instruction can be universally disseminated among the agricultural population of the State. The annual additions to the school district libraries may be made with reference to this branch of education, and thus place within the reach of all the discoveries as they progress, and the rules of husbandry deduced from them as they shall be settled and given to the public from the pens of the competent professors engaged in pursuing the researches.

"'This society, and like associations, may, through appropriate committees, their corresponding secretaries, public spirited commercial men and otherwise, collect and embody in their transactions, facts and information respecting the markets, foreign and domestic; the present and probable supply of agricultural products; the mode and manner of presenting the principal productions in the various markets in the most acceptable form; the state and prospects of trade at home and abroad, and the changes, present and prospective, in the commercial policy of our own and other countries, with the probable influences upon the agricultural market. The commercial and agricultural press will doubtless come powerfully to the aid of the associations, in all efforts of this character and having these great objects in view. In this way the foundation may be gradually laid, and the materials collected, for the commencement of those agricultural studies, which time and application, with the constant evidence of their utility in practice, would ripen into a system to be ingrafted upon the course of regular studies pursued in the colleges, academies and common schools, and made a branch of the studies of the male classes in the norman school, placed under the superintendence of an instructor selected for the purpose,

and qualified to prepare his classes for teaching the studies in the common schools of the State. Thus a generation of farmers would soon come forward, well educated in the great and essential principles of agricultural production; in the true relations existing between agriculture, commerce and manufactures; and in the adaptation and preparation of their products for the agricultural markets. Such farmers, with the continued aid of the schools in which they were taught, would become the best manual labor instructors for their successors.

"'The passage of time reminds me that I am extending these remarks beyond the proprieties of the occasion and the patience of my audience. A single reflection shall close them. However confidently the opinion may be entertained that other circumstances and relations might present a prospect for the agriculture of our State and country, more stable, independent and flattering, certain it is, that the future here opened is full of cheering promise. We see in it the strongest possible security for our beloved country, through an indefinite period, against the scourge of famine. Our varied soil and climate and agriculture, double this security, as the disease and failure of any one crop will not, as a necessary consequence, reduce any class of our population to an exposure to death from hunger. We see also, in addition to feeding ourselves, that our surplus is almost, if not altogether, sufficient, if faithfully and prudently applied, even now, to drive famine from the length and breadth of Europe, and that it is in our power, by faithful mental and physical application, soon to make it equal to the expulsion of hunger from the commercial world. We see that, dependent upon the commercial markets, our agriculture may bring upon our country a high degree of prosperity, and enable us when extraordinary occasions shall call for its exercise, to practice a national benevolence as grateful to the hearts of the humane as to the wants of the destitute. And we see that, by the wider diffusion and more secure establishment of a successful agriculture among our citizens as a permanent employment, we are laying broader and deeper the foundations of our free institutions, the pride and glory of our country and prized by its freemen as their richest earthly blessing; the history of all civil government, confirmed by the experience of this Republic, furnishing demonstrative proof that a well educated, industrious and independent yeomanry are the safest repository of freedom and free institutions.'"

CHAPTER CLV.

LAST ILLNESS AND DEATH.

Mr. WRIGHT was a remarkably healthy man. With the exception of headaches, when a law student, and an inflammation of the lungs in the fall of 1834, he never was seriously ill until the time of his death. He lived plainly and abstemiously, both being conducive to good health and long life. Active labor in the field, after the confinement of a session of the Senate in Washington, was more useful to him, and tended more to preserve robust health, than a trip to a watering-place. It brought all the muscles into play, and gave free vent to rapid perspiration, which were essential to the reinvigorating of his physical system. Prior to the last fatal attack he had twice felt its symptoms, the second severer than the first. It is generally believed among his neighbors that these had admonished him that a third, and probably fatal one, would follow. Shortly previous, when following the remains of a friend to their last resting place, he expressed to his friend, Hon. John L. Russell, his hopes that he should not close his earthly career by a lingering disease, hard to be endured and wearisome to sympathizing and helping friends, expressing his preference for a more rapid termination.

He had recently closed up all his pecuniary transactions with his neighbors with a care and precision which occasioned remark. He had called in a considerable portion of his political correspondence, which excited not a little surprise. But his anticipations of early or sudden death, if he entertained them, were locked in his own bosom and communicated to no one.

The following letter from Hon. Charles A. Eldridge, formerly of Canton, now a distinguished member of the House of Representatives from Wisconsin, gives a clearer and fuller account of Mr. Wright's last illness and death than has ever been published. It was written within two years of his death, while the whole was fresh and vivid in his recollection:

"Fon du Lac, *July 6th*, 1849.

"Hon. R. H. Gillet:

"Dear Sir. — Yours of the fourth of June was duly received, and I should have responded to it earlier had it been possible for me to do so. I do not know that I can give you any facts in connection with the death of our lamented friend, Gov. Wright, of which you are not already in possession. I was not, as Mr. Macy informed you, present with him at the moment of his death. I was with him soon after his last attack. I went into the post-office on the morning on which he died, quite early. I should think between six and seven o'clock, and he was then alone, except a boy who attended the office, who was in the room where the mails were opened. He had taken his mail and laid it upon the counter, by the side of which he was sitting. I saw at once, as I entered the office, by his appearance and the tone of his voice when he saluted me, that something was the matter, and inquired, 'Mr. Wright are you ill?' He replied: 'Yes, Charles, I am feeling quite unwell this morning. I have been having, for some time, severe pain along the chords of my arms and neck, and up into my head. I have been sitting here a little while, hoping I should feel better. But I feel greatly oppressed about the chest.' I asked him if he did not apprehend an attack of the apoplexy? He answered me rather slowly, 'No, I guess not; I feel no numbness in my arms or anywhere else, but the pain is very acute, and moving about.' I proposed to go for the doctor. He refused, said he thought he would be better in a few minutes, that he had had two previous similar attacks, and they had only lasted a few moments. That this had been much longer already, and more severe. I told him I thought I had better go for a physician. He said decidedly 'No, I would rather you should not go.' The boy from the other room came in, and I proposed

he should go. He said: 'He may go, if he will, and say to Doctor Clark, I would like to have him come down as soon as he can conveniently.'

"He was most of the time suffering, apparently, the severest pain. His face, notwithstanding its natural floridity, and especially his forehead, was most deadly pale. It would occasionally color slightly, and then it would seem as though I could see the color passing off. His eyes were a little bloodshotten and rather glassy. He frequently drew his hand across them, drew a long breath occasionally, and would lean forward and rest his head upon his hand. The clerk of the drug store, which was kept in the same building, came in and gave him some peppermint, or something of that kind, and he thought that distressed him more. The boy came back, but the doctor did not come with him. Several individuals came in, and to all as they came, he told how he felt, and particularly described the three attacks. I was surprised at the patience with which he answered the numerous inquiries, over and over again, of all who came in. I thought then, and I think still, he made a great effort to disguise his suffering and appear cheerful. The severity of the attack was much more apparent in his appearance, in his face and the heaving of his chest at times, than in anything he said or did.

"After a little, I spoke to the boy privately to go again for the doctor; he did, and came again without him. Mr. Ames came in, and he was so much alarmed that he went up to the doctor's without saying anything to any one, and soon came with him. The doctor gave him, I understood at the time, a little laudanum. Mr. W. sat only a moment after the doctor came, and then took his papers and letters from the counter and started for home, at the same time remarking to Dr. Clark, 'You will be up in a little while, won't you? I am apprehensive all is not right.' The doctor took his medicine chest and went along with him. He walked without apparent difficulty to his house, some fifty rods. I saw him lying on his bed, where he went immediately on leaving the office, but I did not see him die. It was, I believe, between nine and ten o'clock when he died. What transpired after he left the post-office, there are others who know better than I do I have heard it reported even in Wisconsin, I also heard it reported

in New York, that he had opened one of his letters, and that while reading that he was attacked, in consequence of some communication in the letter. That was not so, for he was attacked previously to coming into the office.

"I stayed at his house during most of the day previous to the one on which he was interred. The fact of his death was then pretty widely circulated. It was astonishing to see the number who thronged the house to see him. No one could have witnessed this and not been convinced of the love his neighbors cherished for him. Not one, old or young, strong or weak, looked upon his lifeless form without weeping. I remember a number of iron-hearted men, who looked as though they had never wept, looked upon him, and with eyes filled with tears, turn away and tremble like an aspen leaf.

* * * * * * * * *

"I am yours respectfully,

"CHARLES A. ELDRIDGE."

From Mr. WRIGHT's remark that he felt no numbness in his arms, or anywhere else, it is evident that he had studied the symptoms usual in apoplexy, and that numbness was among them, which is common but not always the case.

The following is from a letter written by the Hon. John L. Russell, of Canton, to Hon. A. C. Flagg, on the day of Mr. WRIGHT's death:

"About eight o'clock this morning Mr. WRIGHT came to the post-office for his mail. He was in apparent good health and spirits, took his letters, sat down, opened one from Horace Moody, read it partly through, laid it down with other letters, turned very pale and said to a friend present 'I feel quite ill.' The friend said, 'your countenance shows that you are sick; shall I call a doctor?' Mr. WRIGHT declined having the physician sent for, saying that he had had two or three such turns before and soon got relief. He complained of a painful sense of suffocation about the heart. His friends present felt alarmed, and sent the third time for a physician before he came. Full one hour he sat in the post-office, conversing with those present who felt intense

anxiety about his health — he assuring them that he should soon be better.

"The physician came to the post-office, gave him a mild anodyne and a friend asked him to permit him to accompany him to the house. Mr. Wright said 'yes, and I will thank you to go with me; Dr. Clark, you come too.'

"He walked calmly as usual to the house, the friend and doctor in company, laid down upon the bed with his clothes on, saying he thought the medicine did not relieve him. The doctor gave orders for the application of draughts and other remedies, and left him. About ten o'clock A. M. he died, as is supposed from a rush of blood to the head.

"Only last evening Mr. Wright was employed in writing an address to the State Agricultural Society, to be delivered at Saratoga next month.

"The proximate cause of the sudden attack which has carried off our friend, is too severe labor on his farm during the recent hot weather. He was, to my knowledge, aware of a tendency to apoplexy. His diet had been very simple, and he supposed that labor in the open air was the best antidote against the plethoric tendency of his constitution.

"Yesterday I attended a funeral with him, and walked with him to the grave. He spoke of apoplexy, in connection with the death of a friend from that disease, in a manner which induced me then to believe that he had a premonition of this dire calamity."

Mr. Russell informed the writer that Mr. Wright, in this conversation, expressed a preference for sudden death over long, painful and wearisome sickness, which often made life a burden, and frequently bore with severity upon kindred and friends, which, although cheerfully borne, usually became an affliction to them.

Doctor Darias Clark, the attending physician, at the time addressed a letter to Dr. Bates, of Franklin county, giving an account of what he heard and saw; which the latter published. Dr. B. declared it a clear case of *angina pectoris*. Dr. Clark's statement in no respect conflicts with that of Mr. Eldridge. He said:

"On Friday, the twenty-seventh of August, he rose in the morning, to all appearance in perfect health. He ate his breakfast as usual, and between seven and eight o'clock went to the post-office, about twenty rods distant from his house, to get his letters and papers. They were handed to him, and he sat down and commenced reading one of the letters. Before he had read far, he was observed by the clerk to lay the letter down, rise from his chair and walk across the room. He then complained of a severe pain in his chest. It was at once proposed that I should be sent for; but he observed that he did not think it would be best; that it would pass off directly; that he had had two similar attacks before, but he soon got over them. Some peppermint was given to him, however; but as he did not appear to get easier, it was again proposed to send for me. To this he consented. On arriving at the office, I found him sitting in a chair surrounded by anxious friends, with a pale and haggard countenance, his skin and extremities cold, and his pulse feeble and flickering. But in other respects there was nothing unnatural in his appearance. His consciousness was perfect; he conversed freely; and stated that the pain appeared to be superficial, and confined to the muscles covering his chest, and to his neck and arms, both of which were rendered almost useless."

The St. Lawrence Republican contained the following additional account:

"He walked, in company with Mr. Moody and the doctor, to his house, lay down upon a bed and seemed to be somewhat relieved from pain.

"The doctor ordered draughts and other external applications, and in a few minutes left the house to see another patient in the vicinity. Mr. Wright conversed with Mr. Moody for some minutes, when Mr. Moody left the house, Mrs. Wright alone being present with him. About half an hour after the physician left a violent reaction took place, and a sudden rush of blood to the brain produced almost instant death. The scream of anguish from his devoted and afflicted wife brought the immediate return of the physician and neighbors, but all in vain. The spirit had

fled, and at a few minutes past ten o'clock A. M. his existence among us was ended."

He complained that the mustard plaster on his chest was too severe to be borne. Mrs. Wright removed it, and stepped to another room to diminish its strength by the application of some flour or meal. Hearing an alarming noise in his room, she ran thither and found his face discolored by the rush of blood to his head and his breathing had ceased. She then instantly gave the alarm as above stated. When the physician and neighbors came in, his face had assumed its natural appearance, except its paleness.

EXTRACT OF A LETTER FROM HON. LESLIE W. RUSSELL TO R. H. GILLET, DATED 11TH OF FEBRUARY, 1872.

"I remember well the day Mr. WRIGHT died, although then but seven years of age. I had started for school that morning, and on my way stopped at Dr. Clark's drug store (he was my mother's uncle), and saw Mr. WRIGHT sitting down. He called me to him, as it was his wont to notice me kindly, patted me on the head, asked me about some proficiency in spelling, as he had often asked me in that respect, cautioned me not to be tardy, as it was near school time and so I passed on to school. During the forenoon a little boy came running in and said aloud that Mr. WRIGHT was dead. It created great consternation, as all the little ones knew and loved the great man who had a kind word for every child he met, owing in a great measure, doubtless, to the want he always keenly felt of not having any children of his own to comfort his home and perpetuate his name. The mistress burst into tears and said, 'scholars, no more school today.' We all wandered sadly home. I found my sister Ada, who was six years older than I, in the room looking at a portfolio Mr. WRIGHT had given her, her eyes suffused with tears. I think it was then that the vague idea of what the man lying dead in the house opposite to ours had been and done awakened the first nascent ambition in my heart.

"The whole village contained none but mourners. Col. Bar-

ber, hearing the event, came to the village and meeting on the bridge Luman Moody (the brother-in-law of Mr. Wright) threw his arms around the other's neck and both sobbed aloud. All felt that a public benefactor, who had gained for the little place a distinction, from the fact that Silas Wright lived there, was gone, and that it had sustained a loss which could never be satisfied. Every man in the community could recount some instance of generosity — not merely of the pecuniary kind, but of that of the nobler sort which aids, at the sacrifice of personal ease and comfort of the donor."

On presenting Dr. Clark's account of the symptoms of Mr. Wright's disease to eminent physicians at Washington, they disagreed concerning what the disease really was. One declared it was "inflammation of the cerebellum of the brain." Another said it must have been the "heart disease." Another said it was "neuralgia of the pericardium," while a fourth declared it was "a clear case of apoplexy," which was the opinion often expressed by Dr. Clark.

But the kinds of apoplexy are too numerous to exhibit, in all cases, the same symptoms. The "sudden blow," to "strike with violence," as the term implies, may spring from a variety of causes connected with the heart or brain, and perhaps from the kidneys, and hence the differing indications accompanying an attack. Although the consequences of the disease are sudden and fatal, it is one of frequent and long duration, usually giving many distinct premonitory indications of its existence. When the symptoms are, excessive pain in the region of the heart, accompanied with a sensation like the cutting of a knife around the body, and pains extending in the arms and up the neck, as in Mr. Wright's case, it would seem natural to believe that the "sudden blow" emanated from the heart, or about it, although its fatal effects were probably produced upon the brain itself. It is clear that when more blood is sent from the heart, by spasmodic action or otherwise, through the arteries upon the

brain, than can be carried off through the veins—the channel provided by nature—the rightful functions of the brain cannot be performed and fatal consequences must ensue.

Dr. Clark, in a letter to another person, referring to Mr. Wright's labor with his hired man, on his farm, says:

"To the Governor it was more a matter of pleasure than profit, thus to employ his time. He labored so hard and so steady, that instead of remaining of his usual full proportions, he became quite spare. His day's work being ended, he would devote the night to reading, and his correspondence which was always extensive, and which he kept up with, although it required late hours to do so. He was most strictly temperate both in eating and drinking; his food was of the plainest and simplest kind, and he drank no ardent spirits, or wine, except on three or four occasions during the year. When he was at labor he sweat profusely, and drank a great deal of cold water. He did not avoid the extremes of weather, and was often exposed to the rain and to night air, without a coat, vest or cravat; and yet, during the whole time, he was not known to complain of the slightest deviation from perfect health, though he occasionally said that toiling in the hot sun was oppressive to his head."

The facts thus stated are unquestionably true. Whether they contributed to his death, or hastened it, are questions which we shall not attempt to solve. But we fear they did both. It is probable few constitutions, even of younger men, could sustain themselves in a sudden transition from an indoor and sedentary life with mere mental exertion, to that of outdoor field labor, in the summer sun, without attempting to avoid storms and night air, regardless of the protection which time and experience have shown to be necessary. A change so sudden and great few could endure, and fewer still at his advanced age. Men of long lives usually pursue, through life, the same track and round of physical and mental labor without change.

CHAPTER CLVI.

THE FUNERAL SERVICES AND LAST RESTING-PLACE OF GOV. WRIGHT.

As the news of the death of Mr. WRIGHT spread over the country, a feeling of deep sorrow extended with it. Partisan feeling however warm, bitter or intense subsided, giving place to deep and unaffected sorrow and grief. Every one felt as if he had lost a valuable and reliable friend upon whom he could lean. In St. Lawrence, business was laid aside and people collected in groups to express their sorrow, dilating upon the loss the country had sustained, and the consequences likely to flow from it. The public services he had rendered, his examples in private life, his goodness and kindness of heart, his uprightness and integrity, and his devotion to his friends and the public welfare, formed themes of much consideration. The family circle ceased its usual avocations, and gathering around its seniors, gave vent to its grief and brought in review what its members had seen in him to admire and love. The old and young, the rich and poor participated alike in the common feeling. Crowds left their homes, proceeding with speed to Canton, to learn the details of the melancholy event, and to ascertain when the funeral rites would occur. As each approached and viewed the lifeless remains of the deceased, he gave vent to his pent-up feelings by tears and sobs. Sunday, the twenty-ninth of August, was fixed for the last sad ceremonies over the lamented statesman. A vast number attended from St. Lawrence county, many from the adjoining counties, and several from more remote parts of the State. Deep sorrow was depicted in every

face. Even children manifested that they felt as if they had lost a mentor upon whose example and advice they had depended, and whose friendship and kindness had given them many happy hours.

The religious services were performed at the Presbyterian church, where the Rev. Hiram S. Johnson, his friend and college companion, delivered an excellent and appropriate discourse, in which he depicted, in affectionate terms, his early life, as well as his subsequent career. Every eye was moistened with tears, and sobs from the bosoms of men were audible in the crowd. The solemnity of the occasion was most deeply felt by the vast assemblage of real mourners. As the coffin containing all that was mortal of their lamented friend touched the bottom of the grave, and also when the first earth fell upon it, a thrill of deep and painful feeling ran through the crowd, which no one present will ever forget. With slow and solemn step, those present retired and sought their homes, discussing on the way the sad loss that all had sustained, and whatever their memories retained of his past usefulness, as well as the hopes and expectations which had been formed, centering upon him, for his elevation in the future.

The closing remarks from Mr. Johnson's funeral discourse produced a most thrilling effect:

"Can one of the pillars of the nation be removed, and we not feel it? Can a friend the most familiar and kind retire, and we heed it not? No. Our friend, thou hast waived us a long adieu and we are overwhelmed! No more shall thy vigilance watch with solicitude the interests of our country! No more will thy voice, from the legislative halls, electrify the nation! No more shall thy smiles gladden the home which was ever happy in thy presence! Thou hast given up that home to loneliness, to solitude and sorrow! Dark is the cloud which spreads over the habitation of thy widowed companion! Anguish thrills in all our hearts as we bid thee adieu, and lay thy remains down to rest in the slumber of the grave."

The remains of Mr. Wright were deposited in a small cemetery at Canton, where slumber many of those of his wife's kindred and of neighbors he loved, and which has an outlook toward the La Grasse river, The remains of his wife slumber by his side. The citizens, who admired and loved him, erected a simple marble obelisk, of moderate size and height, to cherish his memory and mark his final resting place. It records no eulogy. It needs none. It contains this simple inscription: On the west side, "Silas Wright, born May 24th, 1795, died 27th August, 1847." On the east side, "erected by the citizens of St. Lawrence county." His remains were deposited on the south side. When his wife died her's were interred on the north side, and this inscription was added there: "Clarissa, wife of Silas Wright, born July 9th, 1804, died 15th August, 1870." At this spot visitors, who are numerous, call up their recollections of his virtues, his unselfish patriotism and unsolicited honors, some dropping a tear and all feeling as if treading upon ground sacred to the memory of a pure and honest statesman.

CHAPTER CLVII.

OTHER DEMONSTRATIONS ON THE DEATH OF GOV. WRIGHT.

As the intelligence of the death of Mr. WRIGHT became confirmed, numerous steps were taken to express publicly the common feeling concerning the great loss which the public had sustained. In some places public meetings were called, at which resolutions were passed deploring the sad event, and expressing deep sympathy for his bereaved widow. City and village corporations in nearly every part of the State, and in various parts of the country, took official action in expressing their sense of the national loss, in the death of the pure and spotless statesman and patriot who had been so suddenly called from among us. Their number and length forbid the attempt to copy them. Tammany Society of the city of New York passed resolutions, expressing the deep feelings of its members, on the melancholy occasion, and "its high respect for the distinguished dead," and that they "would wear the customary badge of mourning for thirty days."

The Governor of New York sent a special message to the Legislature, which did him great credit as Mr. WRIGHT'S successful rival at the previous election, announcing the melancholy tidings of his death.

"EXECUTIVE CHAMBER,
"ALBANY, *September 9th*, 1847.

"TO THE LEGISLATURE. — SILAS WRIGHT, the late chief magistrate of this State, died at his residence, in Canton, in the county of St. Lawrence, on the twenty-seventh of August last.

"Although scarcely arrived at the meridian of life, he had not only held the office of Governor of this State, but had discharged, with singular ability, the various duties pertaining to the offices

of State Senator, Comptroller, and Senator in Congress of the United States.

"As a statesman he occupied a high place among the distinguished public men of the age.

"In private life he enjoyed, in an eminent degree, the respect and esteem of those to whom he was personally known.

"Although his name will go down to posterity without the aid of official records, his eminent public services and great private worth render it proper that I should thus announce to you his death, to the end that such measures may be adopted as are demanded by the deep feeling that pervades the community.

"JOHN YOUNG."

This message was referred to a joint committee consisting of Messrs. Spencer, Deniston and Sanford, on the part of the Senate, and Messrs. Perkins, Hadley, Beckwith, Brown and Develin, on the part of the House, who submitted the following report:

"That they have had under consideration the subject referred to them, and respectfully recommend for the adoption of the Legislature the following resolutions:

"*Resolved*, That in the death of our fellow-citizen, Silas Wright, a great man has fallen in the midst of his years, an able statesman is lost to our State and the country, a worthy citizen, a sincere friend has been suddenly taken from us.

"That the Legislature and the people of this State sincerely mourn this melancholy visitation of a mysterious, but wise and just Providence, and deeply sympathise with the widow, kindred and friends in this bereavement.

"That the officers and members of the two Houses wear the usual badge of mourning for thirty days.

"That these resolutions be entered upon the journals of the two Houses, and the Governor be requested to transmit a copy thereof to the family of the deceased; and

"That the two Houses adjourn."

These resolutions were unanimously adopted by both Houses.

On the consideration of the above report, eloquent and feeling addresses were made by Joshua A. Spencer, in the Senate, and Bishop Perkins, of St. Lawrence, and Amos K. Hadley, of Rensselaer county, in the House.

Mr. Spencer, who was politically opposed to Mr. Wright, said:

"Mr. President: Although I have had no opportunity to make the slightest preparation for submitting any remarks, on this melancholy occasion, yet I cannot, in justice to my own feelings, permit these resolutions to pass with entire silence. It is indeed, sir, an afflicting dispensation of Providence which has fallen upon our country — not the State only, but the entire country has felt the blow. In truth, a great man, an able statesman, a good citizen has fallen asleep with his fathers. The statesman whose memory we commemorate, as all well know who are conversant with the history of one of the greatest men in the country, was born in the State of Massachusetts, and was educated in Vermont, where he graduated from one of the highest institutions of learning. He studied his profession in this State, and having obtained a residence in the county of St. Lawrence, he there first commenced his professional and political career. Since that period he has been so well known to the country, and to the world, that I need make no particular allusion to his history.

"Without referring to the local offices which he held, soon after he settled in St. Lawrence, for any other purpose than as furnishing evidence of the just appreciation of his merits as a citizen and a man, and his ability and talents, I will only remark, that the first office which brought him into general public notice, was that of Senator in the Senate of the State. If my memory serves me right, he took his place in the Senate in the year 1824, and from that period I have had the pleasure of knowing Silas Wright personally, and often, in a legislative capacity, had intercourse with him; and it affords me sincere pleasure to bear my public testimony to the great patriotism, integrity, firmness and intellect, which he at all times brought to bear upon every subject, and which distinguished the manner in which he discharged his public duties.

"While holding that office, he was transferred to another and larger sphere of action. He was elected to the popular branch of Congress of the United States, in 1826, and re-elected in 1828. All who know the history of the legislation of Congress of 1827 and 1828, will remember full well how soon, indeed at once, Mr. Wright took and held, and ever maintained a distinguished position in the Congress of the Union. From that station he was transferred to the office of Comptroller of this State, which he held for a considerable number of years, and the duties of which office all know he discharged with singular fidelity. While still holding that position, he was again transferred to more enlarged duties. He was elected a Senator from the State of New York, in the Congress of the United States. And, if I am not mistaken in the character and reputation of Silas Wright, it was in that field, more than any other, that he became eminently distinguished as a public man. He was there surrounded by the first talents, not only of this country, but the world. A bright constellation shone there, throughout the whole period of his connection with that body; and the most distinguished of his opponents, acknowledged him a foeman worthy of their steel. Courteous in debate, never losing his self-possession, he was ever consistent, clear, logical and convincing.

"From that station, as all know, he was elected Governor of this State, which office he held for two years, and had but recently retired from the discharge of these duties, to pursue the quiet walks of agricultural life, on his farm, in the county of his early settlement. It is not saying too much to affirm that there are very few men in this State, or in the nation at large, who have left a more indelible imprint on the records of our country, or whose history will be written in brighter pages than that of Silas Wright. It is not necessary for me to dwell on the public character of this distinguished man; all, even the children of the State, are familiar with it. It may not become me to speak much of Silas Wright in private life, for I had not the pleasure of knowing him intimately in the associations of his neighbors and his friends. But there are many others who knew him as such, as well as in the public councils.

"His great excellence of private worth, in the relation of hus-

band, neighbor, friend and townsman, is universally acknowledged.

"I have but to remark in conclusion, Mr. President, that this sudden bereavement should admonish us all of the uncertainty of life. No vigor of physical ability, no mental endowments, add to the security of our existence. We have a most melancholy example before us. In the midst of his years, in the day of his greatest usefulness to his country, with prospects as bright as those of his earliest years, Silas Wright has been cut down. Let us all be prepared to follow him."

Mr. Perkins of St. Lawrence rose and addressed the House of Assembly as follows, a most respectful attention being given by all present:

"The sudden death of Silas Wright has arrested the attention of the whole American people. The distinguished positions he has held in the councils of the Union, and in the government of this State, render it appropriate that the representatives of the people should pay a becoming tribute to his memory. It is not, however, the positions he has held to which the eyes of the American people have been directed; but to the eminent ability and unbending integrity which he has displayed in every situation in which he was ever placed. It is not my purpose to enter into a review of his political life. History, and abler men, in that respect will do him justice. But I do desire briefly to allude to the traits of character which fixed him so immovably in the confidence and love of the people of the county of St. Lawrence. I have been intimately associated with him as a member of the legal profession, as a personal and political friend, and as a neighbor, more than twenty-seven years. In every situation he has displayed the highest moral purity, an incorruptible honesty of purpose, a uniformly calm and unruffled temper, the most tender regard for the feelings of all who associated with him, and the utmost kindness, even to the poor, the fallen and the lost. No son or daughter of Adam ever appealed to him in distress, or for his counsel or advice, who did not receive consolation, where with propriety it could be given.

"The professional business which he did, was done for his

neighbors and a rural population; and I have no doubt he spent more than twice the time in the character of a court of conciliation, that he did in the actual practice of his profession. When conciliation failed, he managed the cause of his client with care, skill, and the ability which distinguished him as a Senator; and probably there never was a case in which the party opposed to his client did not in the end have occasion for regret, that he had not accepted the proffers of conciliation which had been offered him. He was always kind, courteous and even complimentary, to the opposing counsel and the witnesses; yet he managed to present his client and his cause so as to enlist the court and jury in their behalf.

"A great party have often thought him mistaken in his views of what the interests of his country demanded; but no fair-minded man ever doubted the sincerity of his desire to serve it faithfully, or the uprightness of his purposes; and none the stability and firmness of his adherence to the principles he advocated, and the persons who supported them.

"In all my political intercourse with him, I never heard him express a selfish aspiration, or a sentiment which did not appear to be dictated by the purest patriotism. In his social intercourse, I never heard him utter an unchaste word, or an immoral sentiment.

"Whenever he returned from his public positions to the place of his residence, he resumed the simple, frugal and industrious habits of a New England farmer, and the kind and neighborly offices which so eminently distinguished our Pilgrim Fathers. Even in the later years of his life, when he was at Canton, he watched oftener at the sick-bed of his poor neighbors than any other man in his town.

"No language [Mr. Perkins said], was ever more true than that of a resolution drawn by a distinguished political opponent of our county, and presented to and unanimously adopted by the citizens of Ogdensburgh, and which I am about to read:

"'*Resolved*, That having been reared himself, under the severe but salutary lessons which labor teaches, his sympathies were keenly awake to the wants and welfare of the toiling millions. He was always accessible to their approach, prompt with his counsel to enlighten, and ready to interpose

kind offices and attention where the anguish of disease was to be assuaged, or the pangs of grief alleviated. His life furnishes the invaluable example, that a man may occupy the highest posts of honor and return to private life and severe physical labor with undiminished dignity.'

"Upon his defeat last fall, Mr. Wright retired, with apparent pleasure, to private life and the cultivation of his farm. That defeat, and his return to private life, tended only to display the loftiness of his principles and the sublimity of his character, and to fix him more firmly in the affections of the American people.

"Such was Silas Wright. The arrow which struck him down has sent the iron to the recesses of the minds of millions, who looked to him as their guide in the days of his country's trial.

"I move, sir, a concurrence in the resolutions of the Senate.

"The motion unanimously prevailed."

On the 8th of September, 1847, a convention of democratic delegates from the several towns in St. Lawrence county, at the Court-house at Canton, was held, Hon. John Fine presiding, at which Preston King, Solomon Pratt, Charles Anthony, John Horton and Henry Bernard were appointed a Committee on Resolutions. Mr. King, from this committee, reported among others the following resolutions:

"*Resolved*, That this convention of the democracy of St. Lawrence county deeply feel the loss of that distinguished statesman, who was so recently counted in their number. In the death of Silas Wright, our State has lost its most valuable jewel, the nation is shorn of its brightest ornament, and the citizens of the county where he lived, are bereaved of a man they loved. Distinguished for his talents, he was called to the highests posts of honor in the State and nation, and never, for a moment, did the breath of calumny assail his patriotism, or sully the purity of his motives. Defeated in the last election, by the combinations of a hostile party, fair and open opponents, and by the treachery of false friends, he retired to his farm, and by the the labors of his hands earned that contentment and repose which flow from conscious rectitude and honest toil. He was the same man in the Senate chamber, and in the harvest field, always per-

forming his duty with unaffected dignity and with Roman simplicity of manners. In his death his country has learned to estimate his value.

"*Resolved*, That this convention request their county committee, with the assent of the widow and family of Silas Wright, to take the proper measures, in concert with the neighbors and friends of the deceased in St. Lawrence county, for the erection of a monument over his grave."

Proceedings at Ogdensburgh.

On receiving the intelligence of the death of Silas Wright at Ogdensburgh, there was a spontaneous gathering of the people, without distinction of party. Sylvester Gilbert was selected chairman, and Roscius W. Judson appointed secretary.

Bishop Perkins, James G. Hopkins, Socrates N. Sherman, James C. Barter and David C. Judson were appointed a committee to prepare resolutions appropriate to the melancholy occasion, who reported the following, prepared by Dr. S. N. Sherman, which were unanimously adopted:

"*Resolved*, That while in common with the whole American people, in the death of Silas Wright we are called upon to mourn the loss of one of our most distinguished and upright statesmen, in the prime of life, with the high promise of future usefulness before him, we, as his neighbors, have the superadded affliction of being deprived of the society of one who, in all the relations of private life and social intercourse, endeared himself to all who thus knew him, by an unsurpassed kindness, and an untiring, never-failing devotion to the happiness of those around him.

"*Resolved*, That in this bereavement his friends and the citizens of the county will ever cherish, with satisfaction, a remembrance of his stern, unbending *honesty*, which has justly earned for him a fame as broad as the land, and the name of the purest Roman citizen.*

* The third resolution is included in Mr. Perkins' remarks, in the Assembly, ante p. 1979.

"*Resolved*, That we tender to the wife and family of Mr. Wright our most tender sympathies in their bereavement, and that the chairman and secretary transmit a copy of these resolutions to the widow and brother of the deceased.

"*Resolved*, That we will attend his funeral."

In Philadelphia the Young Men's Democratic Association invited Hon. Henry D. Gilpin, who had been Attorney-General under President Van Buren, to deliver a eulogy on Mr. Wright, and well he performed the duty assigned him. His life and services were portrayed with clearness and ability, doing his departed friend most ample justice. The following is the closing portion of his tribute to the memory of the deceased statesman:

"In two hours afterward he tranquilly breathed his last. The spirit of unrepining gentleness and contentment — the good genius that never left him in his journey through a world of care, hovered around his last moments, until life departed without a struggle or a pang.

"To portray his character, what more is needed than this record, which has aimed to collect, without exaggeration, the story of his life; what proof of its excellence, beyond the estimation he attained in the hearts and judgments of men? For our age, in which he lived and to whose progress and benefit he contributed so much, this indeed is more than sufficient; to those who shall hereafter seek for the minuter details of his intellect, his conduct, his temper and his virtues, we can offer no other delineation so ample, unprejudiced and true. Yet one obligation will remain, to acknowledge the debt due to him by his country and his age, for the lessons they are to derive, more eloquent than language, from his bright example. He has taught us that unruffled content may be won, that the loftiest fame may be reached, that social relations, various and refined, may be happily enjoyed, that beneficence may be largely practiced in all its shades of public service and private intercourse without the possession, nay without the desire of fortune beyond the humblest competence. He has taught us that influence, and station, and power may be used without once seeking to pervert them to

selfish or unworthy purposes; that manly adherence to political opinions, carefully formed and honestly maintained, is never inconsistent with the great obligations of conciliation, forbearance and generous compromise; that honors declined can confer more happiness and glory than those which are received; that intelligence the brightest, in a sphere the most conspicuous, derives new lustre and wields more power from a modesty always unassuming, and a temper which never wounds; and, above all, that the blessings of domestic life, so endearing and attractive, may ever be preserved unsullied to soothe and cheer the hours most devoted to our country's service. If, indeed, this great and good man exhibited — as who can doubt — the severe virtue, the steady purpose, the devoted patriotism and the broad philanthropy that marked the character of the Roman statesman; let us not forget that he has taught us to blend with them a spirit more gentle and forbearing; that spirit which should distinguish a people whose bond is one of justice, reason and affection, and to whom have been revealed the divine lessons of a milder and purer faith."

In Wisconsin, then a territory, a tribute of respect was paid to the memory of the great champion of justice, by her Legislature. Gen. Henry Dodge, then Governor, thus spoke of him in his message to that body:

"Since the last session of the legislative assembly, Silas Wright, a great statesman of the Empire State of the Union, has fallen by the hand of death, in the meridian of his life and usefulness to the country. When a member of the United States Senate, he was an able supporter of the rights of the people of Wisconsin. He was in favor of a system of policy tending to promote her agricultural and commercial interests. He was a firm patriot, a sagacious statesman, a friend of equal rights and universal freedom. For his self-sacrifice, as a polititian, for what he believed would promote the best interests of his country, he has justly been called the Cato of America."

The Legislature, promptly and with entire unanimity responded to this part of the message, by adopting the following expressive and appropriate preamble and resolution:

"*Whereas*, The dignity and power of a State, no less than the prosperity and happiness of its people, depend, in an eminent degree, upon the wisdom, integrity and patriotism of its citizens; and,

"*Whereas*, The legislative assembly of Wisconsin, recognize in the life of the late Silas Wright of New York, all that could adorn and dignify the character of the citizen, the statesman and the patriot, therefore, be it

"*Resolved, by the Council and House of Representatives of the Territory of Wisconsin*, That in his death the nation has lost one of its brightest ornaments and the commerce of the west one of its ablest advocates; Wisconsin one of its warmest friends and supporters, and the cause of universal freedom one of the boldest and most incorruptible of its champions."

At the request of the Agricultural Society, of the State of New York, Mr. Wright prepared an address to be delivered before the Society, at Saratoga Springs at their meeting, on the 16th of September, 1847. It had been prepared with great care announcing some economical theories in relation to agriculture, which, although sound, were new to the public mind. This address he had submitted to Mr. Van Buren and Mr. Flagg, and had received their approval. The latter had suggested that one sentence in it was liable to misconstruction. He adopted the proposed alteration, and, instead of correcting the sheet in the usual way, by the pen, his love of order and neatness induced him, the evening before his death, to rewrite a page of the address. This was probably the last labor of interest to the public which he ever performed. It was thus made complete, and was read to the assembled thousands by Gen. Dix, his friend and successor in the Senate of the United States. After the reading, the members of the Society present adopted the following resolutions:

"*Resolved*, That the address which has just been read be printed; and that the president be requested to ask the permis-

sion of Mrs. Wright to retain the original draft of the address, to be placed in the archives of the society; and to express to her, at the same time, the deep sympathy and regret which is felt by all its members for the irreparable loss which has so suddenly overwhelmed herself and the State, in a common grief.

"*Resolved*, That in the death of Silas Wright, late Governor of this State, the New York State Agricultural Society have lost a friend and benefactor, an honored and useful member, and the community an illustrious example of republican simplicity in private, as well as inflexible honesty and great capacity in public life.

"*Resolved*, That a committee of this society be appointed by the president thereof, to prepare a brief memorial, illustrative of his character, his virtues and his eminent public services, for publication with the address delivered on this occasion in the transactions for 1847 — a duty the more gratefully performed, as the last public act of his life was one of beneficence to the farmers of his country."

The request of the society to retain the original draft of the address was acceded to. It is understood that the sheets were separately framed and are now safely hanging in a room of the society, in one of the public buildings at Albany. The address was published in leading papers in all parts of the country, and especially in those devoted to agriculture, and met the cordial approval of all who read it.

CHAPTER CLVIII.

OCCURRENCES AT OTHER PLACES ON THE DEATH OF GOV. WRIGHT.

The announcement of the sudden and unexpected death of Mr. WRIGHT produced everywhere a profound sensation. Those who had seen him enjoying robust health could hardly realize that he had fallen so suddenly. Those who had observed his course in the United States Senate, and as Governor, respected and nearly all admired and loved him. The public mind was fast settling in favor of elevating him to the chief magistracy of the Union. When the news of his death reached them, his merits as a man and statesman were everywhere discussed. These were very generally referred to and often discussed in the pulpit. Few clergymen failed to call the attention of their hearers to his virtues and examples, which had won the heart of the nation which was throbing so heavily at the portals of his grave. Those who knew him best were foremost in their eulogies. Among them was the Rev. W. B. Sprague, of Albany, whose parishoner he had been for many years, and who preached a discourse occasioned by his death, which was published at the request of those who had heard it.

The following is worthy of preservation:

"I am aware of the supposed delicacy of introducing into the pulpit notices of individuals who have been identified prominently with either of the great political parties of the country; but my own past experience has furnished me with evidence that here it is safe to do it; that whatever may have been your political preferences or prejudices, or even asperities, they do not render you insensible to whatever is praiseworthy and of good report in the

character of the illustrious dead. Besides, in the present case, I rejoice to observe that the clamor of party is hushed, and even the newspapers — which sometimes show their fiery tongues, and are used to hard, bitter words — nay, the very newspapers that dissented most earnestly from his political creed, seem, under the subduing, healing influence of the grave, to have forgotten that he was their opponent, and are doing honor to themselves in their efforts to honor him. But the circumstance which seemed to me to render it imperative, that I should thus speak of him thus publicly, is that he was a member of this congregation up to the time of his recently leaving the city; so that it must seem to you almost as if I were speaking of one of your own number. Many of his most intimate friends are here; and this whole congregation, I may say, this whole community, have been afflicted by the tidings of his death.

"I am sure that I shall not put myself even upon doubtful ground in the estimation of any of you, in saying that the citizen, the statesman, the friend we lament, may justly be reckoned among the princes of the land. Endowed with a commanding, well balanced and versatile intellect, vast in its comprehension, clear in its perception, calm and safe in its judgments; possessing a heart made of frankness and tenderness and generosity; favored with the advantages of a correct moral training under the parental roof, and subsequently with the advantages of an excellent liberal education; he gave early promise of the distinction which he ultimately reached. Shortly after he was settled in the legal profession, he was introduced on the arena of political life. His services were first put in requisition as a member of the Senate of this State; and in the progress of his public career he became, successively, a member of the House of Representatives in Congress, Comptroller of the State of New York, member of the Senate of the United States, and finally Governor of this State, whose servant, in some capacity, he had been for more than twenty years. In each of these several stations, he was distinguished for his prudence, dignity and earnest devotion to the duties of his office. It was probably in the United States Senate, where he was brought not only in contact but in conflict with the greatest minds of the nation, that he attained his highest

distinction. I believe it will not be questioned by any competent and impartial judge, that he stood in the foremost rank in that venerable body, and that when he rose to speak, the ablest of his opponents felt that there was work about to be made ready for them. I have been credibly informed that the man who has been for some time the acknowledged leader of the adverse party in Congress and in the nation — a man whom the whole civilized world has recognized as belonging to the very highest rank of intellectual aristocracy — has more than once borne a testimony to the exalted powers and qualities of our departed friend, such as might reasonably satisfy the most ardent of his political admirers.

"Having spoken of the offices which he actually held, it is proper to advert to the fact that there were other offices of equal, or even greater, importance proffered to his acceptance, which he thought proper to decline. I refer to the offices of Secretary of the Treasury, and Judge in the Supreme Court of the nation, including a nomination to the vice-presidency of the United States. Whatever may be the speculations of politicians upon his conduct in this respect, the obvious construction of it would warrant the conclusion — a conclusion fully justified, I think, by his general character — that disinterestedness was a leading element in his patriotism, and that his heart was set, far less than that of most political men, on personal exaltation.

"What Mr. Wright was in private, most of us know from actual observation, and he was always perfectly accessible to the humblest man in the community. He was gifted with an uncommon perception of the fitting and graceful in all the relations of life. While he had a high respect for plebian honesty, and could, as occasion required, put on the plebian himself, there was no circle of society so polished or elevated but that he was as much at home in it as if it were the only sphere in which he had ever moved. In his intercourse with his friends he was open and confiding, always happy in their society, and always on the alert to gratify and oblige them; and even the stranger who saw him but for a moment was not likely to forget the dignity of his manner and the kindliness of his smile. To the neighborhood in which he had his home, and in which he finally died, he sustained the most grateful relations, mingling with them freely as a judi-

cious counselor, a sympathizing friend, and even an active laborer. He was specially gifted with those qualities which render one's presence welcome at the bedside of the sick, and his services in this department of social duty were not unfrequently proffered and rendered with the most cordial and winning alacrity. He hesitated not to address himself to manual labor in aid of any object that was likely to benefit the neighborhood or the community, and it has been even intimated that excessive effort of this kind, within the last few weeks, was the proximate cause of his death. In a word, I may say with confidence he was respected, honored, beloved, in every relation.

"There is a fact or two in his history to which I cannot forbear to advert, illustrative of, at least, a highly respectful regard to the institutions of religion. One is, that during his residence in Canton, while the church at which he statedly attended was without a pastor, he was accustomed to aid in the maintenance of public worship by reading a printed discourse, the devotional service being conducted by the officers of the church. And during the time he has been at the head of our State government we are all witnesses with what regularity he attended here, and with what apparent earnestness he listened to the preaching of the Word. I mention these things only for what they are worth; but they certainly reflect honor upon his character as a public man, while they come with the force of a rebuke to many other public men, who find an apology for habitually turning their backs upon the sanctuary, on the ground that they are burdened with the cares of the State or nation.

"But if the language of the text fairly represents the character and rank of our departed friend — if by common consent he has taken his place among the princes of his country — we have only to look a little further to find language equally expressive of his sudden and, to his friends, at least, awful exit. At a moment when he seems full of life and gladness, when his vigorous step speaks of health to his neighbors and no suspicion of approaching evil lurks even in the innermost sanctury of domestic affection — at a moment when he has just completed his preparation for an important public service, and is making his arrangements to come among us again as a friendly visitor — Oh, at this

most unexpected moment, 'his breath goeth forth!' It seemed to those who looked on as if it must be some fearful illusion that had overtaken them, or else as if the breath had gone only to come again; but it was no illusion — it was no temporary suspension of the vital energy. Death, as if to show how he could sport with the strongest, had held that prince in his grasp but a few moments before he bid the agonized lookers-on take notice how thoroughly he had done his work. And before the vital warmth has fled, the lightning is put in requisition to bear the heavy tidings over the land; and the sun in whose morning beams our friend rejoiced had not sunk beneath the horizon before the State, I had almost said the nation, is putting on her habiliments of mourning, because she shall see his face no more. He is said to have spoken, a day or two before, to one of his friends, of sudden death as if not in itself undesirable; but whatever his thoughts may have been in respect to himself, the event certainly took all others by surprise.

"And the consequence of his death — how will the text describe *that?* 'In that very day his thoughts perish.' What his own expectations, or purposes, in respect to the future were, I know not; but who does not know that there were in many minds expectations and purposes in respect to him of the highest moment; that a large portion of the party to which he belonged as well as many of the party to which he did not belong, were anticipating the time when he would be crowned with the highest honors of the nation. But see, ye men of calculation and of foresight, see how your thoughts have perished. Before you had time to invest him with the robe of supreme authority, or even to present him to the nation as a candidate for it, his race was run — his days were numbered. When the humblest individual dies, the thoughts of some perish in his death; but such a withering of human expectations as the monster here accomplished, occurs but rarely in an age."

CHAPTER CLIX.

THE AMERICAN PRESS ON THE DEATH OF GOV. WRIGHT.

The news of the death of Mr. WRIGHT was everywhere received with deep feeling and extreme regret. Those who had known him personally manifested intense anguish and sorrow. The press spoke the common feeling. Probably, not a paper in the Union failed to express the general feeling in which all participated, regardless of party distinctions. Many gave brief accounts of his birth, education and long and useful public services and indulged in expressions of deep regret at the loss which the country had so unexpectedly sustained. Others gave more extended notices. We make limited selections from papers of conflicting political faith in different parts of the country.

From the St. Lawrence Republican.

SILAS WRIGHT IS DEAD. — These words of sorrow will have spread far and wide before the publication of our paper can announce them. Last Friday afternoon, they came like a clap of thunder from a clear sky upon our village. Words cannot express the sense of sudden deprivation which almost paralyzes this community. We will not attempt the expression."

Subsequently the same paper said :

" We give to-day a large space in our columns to our respected cotemporaries of the press, who, on every hand throughout our widely extended country, are bearing unequivocal testimony to the talents, statesmanship and many virtues of our dearly beloved and distinguished fellow-citizen, SILAS WRIGHT deceased. The heartfelt sorrow everywhere evinced at the loss of this great man, is without a parallel in our memory. Truly may it be said of SILAS WRIGHT, that his death is a national bereavement — and of

his memory it may be said with thrilling force that his was, 'one of the few immortal names that were not born to die.'"

From the Albany Atlas.

"The intelligence of the death of Mr. Wright was, when received, immediately communicated to the public, and came with a bewildering and painful shock, which was momentarily relieved by incredulity as to the reality of so heavy a calamity, and which, as circumstances appeared to prove the authenticity of the information, gave way to deep and universal emotions of sorrow.

"Mr. Wright's friends, since his retirement, had only heard in relation to him from his few visitors or through correspondents, of his exuberant health, his contentment, the simplicity of the habits of his life and his unremitting labors on his farm. While his friends were thus gratified with the apparent vigor of body and cheerfulness and elasticity of mind which these congenial pursuits imparted, the great masses of the people had turned toward him with renewed confidence and affection. In his retirement, aloof from the political world and busied only with the daily labors of his farm, without favor or patronage, he was stronger in the popular love and concentrated more of the hopes and views of the democracy than any statesman in the Union, or than he himself had commanded in hours of official influence or power. Those aspirations are baffled and confounded by this calamity, and those brilliant and auspicious views of the future, lost in the shadow of death.

"Stunned as we in common with the whole public are, with the suddenness and severity of this dispensation, we have neither the requisite composure nor the courage of heart to advert to even the prominent traits which illustrated the character of this great and good man. His public career is a part of the history of the country."

From Noah's Times and Messenger.

"Silas Wright is Dead. — Prostrated by an apoplectic attack at his residence in Canton, St. Lawrence county, N. Y., and is to be buried this day. Mr. Wright has filled a large space in the history of this country, and was looked up to as the candi-

date of his party for the next presidency, with every assurance of success. He has been in public life for thirty years, and will long be remembered as a Senator of undoubted ability, great powers and undeniable patriotism and integrity. He made a useful and valuable Governor of this State, and arrested, by every effort in his power, many wild schemes of internal improvement and thus preserved the credit of the State, although in accomplishing that important object he sacrificed his own election. His loss is a national one. He was a true politician, adhering to the principles and usages of his party, and stood by his friends with fidelity, without violent partisan feelings toward his opponents."

From the Rochester Daily Advertiser.

"Death of Silas Wright. — A great and good man has fallen. Silas Wright is no more. He to whom half a nation had looked in a critical emergency, as their safest reliance, and to whom the whole of that nation pointed with patriotic pride, as one of its brightest ornaments, is suddenly cut down by death. In the full vigor of manhood, before scarcely one of its host of dreaded messengers had admonished him of the approach of age, he is abruptly removed from a broad field of prospective usefulness; and bearing with him the friendship and affection of a large share of his countrymen, he is silently 'gathered to his fathers.'

"The distinctions which accident or circumstances had produced among our citizens are forgotten, and all deplore the loss of a statesman whose merits were as rare as unobtrusive, and whose character is an honor to our common country. We feel the task too great to remark even briefly upon his earthly career; the time for that has hardly yet come, and when it shall, more competent hands will perform the grateful work."

From the Potsdam Mercury.

"It is not necessary for us to enter upon any labored eulogy of Mr. Wright; his name was known and his merits appreciated by the whole country, and heartfelt sorrow will possess every American heart at his untimely death. He was respected and his name has been honored by the nation at large, and was looked

upon, by a large portion of our citizens, as a worthy candidate for honors yet higher. His ability to adorn any office within the gift of the people, no one has ever doubted; but it is not of such things that we would now speak; his greatest glory was the admiration and genuine *love* of his neighbors here at home, in St. Lawrence county; and this not confined to political friends, or caused by party pride, which is too often partial to favorites, but extending through the whole community. No man ever possessed more perfectly the winning graces of private life, and no *great* man ever seemed to think so little of his own greatness, and appear so plain and unaffected in all his habits as Mr. Wright. The immense concourse of people that attended the funeral, and the deep feeling manifested on every countenance, attested the warmth of that affection which his life had inspired, and the intensity of that sorrow which his death had created."

From the Chicago Democrat.

"Death of Silas Wright. — No calamity so great, save the complete overthrow of its principles, could have overtaken the democrtic party, as the death of this great man. Next to Thomas Jefferson, no civilian had so strong a hold upon the affections of the American people. Like Mr. Jefferson, he had his strong political opponents, and was himself a strong party man. Like Mr. Jefferson, he was a strong opponent to the extension of slavery, and he stood at the head of that great party which was rallying around Mr. Jefferson's ordinance of 1787 as proper to be attached to any bill purchasing or organizing new territory. He was freedom's champion; and, as such, it was very nearly settled that he should be the democratic candidate for President in 1848.

"In one respect, he died in the wrong time. He died the strongest man in New York, and yet a defeated candidate for Governor. Party lines were strictly drawn, and the contest a very animated one. But there were Benedict Arnolds in the northern democracy. Northern men with southern principles — the anti-Wilmot proviso men — joined with the anti-renters and whigs to defeat him. He fell a martyr to liberty, and died just as he was to rise again to the highest station in our Republic.

"Silas Wright lived and died a poor man. But, unlike most political men, he kept his credit ever good, and never contracted a bill until he saw the means of paying it. Knowing that he was poor, he lived accordingly, and the humblest farmer in St. Lawrence county was noted for no more simplicity, frugality or industry.

"To him — to his very great sacrifice in 1844 — do we owe the final defeat of Henry Clay. He was a candidate for Governor with reluctance. He foresaw the result, but boldly met his fate when assured that it was the only thing that would save the democratic party. President Polk offered him the post of Secretary of State [Treasury], or any other office in his gift. Previously, President Tyler offered him a seat on the Supreme Bench. But he declined them all. He was elected Governor, to be betrayed by men who could not use him, and then sought private life with a determination never to leave it unless at the call of the *whole* people of his nation. A higher summons, however, has reached him; and his flock of friends are now like a flock of sheep without a shepherd."

From the Richmond Enquirer.

"Death of Silas Wright. — The simple announcement of this sudden event will produce deep regret wherever the sad tidings shall spread. Firm and unyielding as Mr. Wright ever was in his democratic principles, he always commanded the esteem and respect of his political opponents, by his profound abilities, clear head, power and cogency of argument, and unimpeached purity and integrity of private and public life. He had much of the old Roman in his composition, and was not inaptly denominated the 'Cato' of America. Even had we the space to dwell upon his virtues and public services, the task would be an useless one. He has too long shone one of the brightest stars in the political horizon to need a single word of eulogy."

From the Philadelphia Evening Bulletin.

"When a great character like Silas Wright dies his loss is a national calamity. He was one of those men who never forget they are patriots. He was more than a mere politician: he was a statesman in the most exalted sense of that term. The violence

of faction could find nothing to reproach him with in his career as a political opponent; what he did was done openly and fairly; trickery he abhorred; the right ever found in him a champion! While a member of the United States Senate, he stood up manfully against all encroachments on the Constitution. In the late gubernatorial election in New York, his defeat was mainly owing to his rigid inflexibility against the anti-renters and other insidious enemies of the laws. His loss cannot be replaced. He was a high pillar, standing a landmark in the wilderness."

From the National Intelligencer.

"Such a distinction had Mr. Wright earned for himself, not merely by his eminent political talent and faithful service to his party, but by the higher recommendation of unimpeachable personal integrity and unswerving devotion to the honor, the interest and true glory of his country, as he understood and honestly aimed to promote and advance them. Adopting the language of a cotemporary (the New York Tribune), we bear willing testimony that as a citizen he was simple and affable in manners, not from sinister calculation, but because he was in heart a republican. He was frugal and exemplary in his habits, sincerely regardless of wealth and pomp, and, if ambitious, never selfish nor greedily so."

From the Wisconsin.

"Probably no living statesman had drawn around him more of the real respect and love of the people, than Silas Wright. His home was in the cottage, from Maine to Louisiana. The people loved him, because, in truth, they deemed him true to them. As we have known him in the intimacy of life — almost from the first dawning of his greatness — we can say that no heart ever beat with a truer pulse for the people's welfare, than throbbed in the breast of Silas Wright.

"We have seen him in the midst of a crisis, when other strong men trembled and failed, but, when he stood unblenched and fearless, and with a giant's strength doing what he thought right in itself and just to the people. This moral greatness, as commanding as it is noble, extorted the deepest respect from his opponents, and made him the idol of his friends.

"He was not less extraordinary in his personal character, when

honors were clustering around him, and when he stood where his words were regarded as law — whether in the Senate chamber or the council, or in the calm of private life, he still preserved that unpretending modesty which marked him above all other men we ever knew. He seemed to combine the modesty of a child with the greatness of a giant.

"Mr. Wright's power was one of those plants which had grown so strong and spread so wide from the enduring growth of time. His influence with the people has strengthened steadily and surely, year after year, until it had become rooted with every fiber of the nation's heart. If we should say that millions will bedew his grave, we speak the truth; for though a partisan, men of all parties feel that in integrity of purpose, nobility of character, love of country, and sound views of honest and upright government, Silas Wright was one of those pillars whose loss will be felt the longer our people adhere to the institutions of their fathers."

From the Columbus, Ohio Press.

"What can we say to the readers of the Press more affecting, than the simple announcement that Silas Wright is dead? What words can convey a proper idea of the loss to the nation and to the world? We mourn the loss of our great statesmen, even when they die in the ripeness of old age, with all the honors a people's gratitude can bestow, thick upon them. But here is one most worthy of them all, snatched away without a moment's notice, in the prime of life. We are called to mourn for him dead, whom we would have delighted to honor while living.

"'We did love him once, not without cause;
What cause withhold us then to mourn for him?'

"As a man, his kindness, his modest gentleness, won the hearts of all who knew him — an orator, Senates hung upon his words and would not decide until he had spoken; a politician, he loved his principles better than himself; a patriot, office and honor were thrust upon him and accepted only as a means of serving his country; a friend, those who knew his friendship can find no words to speak his praise and their love.

"'His life was gentle; and the elements
So mixed in him, that nature might stand up
And say to all the world, *This was a man!*'"

From the Hartford Times.

This paper has an obituary of five columns, from which the following extracts are made. The accuracy and pertinency of its statements command universal assent.

"When a man, distinguished for the high official stations he has occupied, more for his eminent abilities and for the conspicuous part he has enacted in public affairs for a long period, is suddenly removed from among us, in the prime of his usefulness, it would be unjust to the living, as well as to the memory of the dead, to permit such an event to pass with the ordinary record of mortality. If eminent public men are public property, then the interest the public have in them does not cease with their lives. The impress they have left on public affairs, their examples of ability and patriotism, should be kept fresh in the public mind, not only as memorials of departed greatness and worth, but as lessons to those who are to come after them. But it is not my purpose to write a biography of Silas Wright; this is not the time for that, nor the columns of a newspaper the place for it. If the biography of distinguished men, as has been said, constitutes the history of their times, then to pen the life of Silas Wright would be to write the political history of his own State and of the Union for the last twenty years.

"In view of this subject the [presidency], as well as in every other, the death of Silas Wright is something more than a public loss — *it is a national calamity.* We have, it is true, many distinguished men — many great men; but as the Athenians had but one Aristides, and the Romans had but one Cato, America had but one Silas Wright. Let me not be misunderstood. I do not assume for Mr. Wright a higher endowment of those commanding intellectual powers, which attract the public admiration and confidence, than others with whom he might be compared. Perhaps, in this respect, he was not equal to some others. But his superiority consisted in his uniting and combining more of the elements of true greatness — more of the qualities requisite in the direction of the affairs of a great and free people, and with less defects as drawbacks upon him. If not pre-eminently great in any one quality, he was great in all

the qualities of head and heart required in conducting public affairs.

"The mind of Silas Wright was distinguished equally for strength, breadth, fertility, depth and clearness. Equally comprehensive and intense, it embraced the whole of a subject, and penetrated into all its parts, even the minutest, perceiving clearly their relations and connections. This latter faculty, instead of being a fault, as some have supposed, was one of the strong points in his mind, not often found in minds of the highest order, for strength and comprehensiveness. If a mind is capable of comprehending clearly the great outlines, the whole of a subject, it can surely be no defect that at the same time it sees with equal clearness into its minuter parts.

"Next to his power of deep thinking and penetration into all the minuter parts of a subject, which distinguished the mind on Mr. Wright, was the faculty of perspicuity, or clearness. If he was sometimes prolix, he was never obscure — never confused, never unintelligible. There was no transcendentalism in him — no mere play of words or rhapsodies of speech. If he used many words, it was not, as with some, from the paucity of his ideas, but from the fullness of them — from his mind being full of the subject. What he perceived, he perceived clearly; he saw nothing as 'through a glass darkly.' His ideas were as clear as the sunbeam, and he could communicate them with equal distinctness to others.

"He was not one of Carlyle's '*silent* great men, with a soul filled with unutterable ideas;' nor was he one whose chief strength lies in words. What he conceived he could make intelligible and defend; what his judgment planned, he had the ability to execute. His mind was practical rather than theoretical; his judgment sound and accurate, rather than strikingly fertile and original.

"With firmness without obstinacy, caution without timidity, moderation without weakness, confidence without presumption, sincere without affected gravity, earnest without being enthusiastic; with a mind always free from prejudice, clear, active, strong and fertile, that comprehended every idea which belonged to the subject — all its bearings, all its tendencies; a judgment always

cool, a temper always calm and self-possessed, which no circumstance could ruffle, or disturb; confident in his own strength, yet with so much deference to others that he was seemingly unconscious of it — with powers and facilities like these, harmoniously united and blended — none so strong as to overpower others, none so weak as not to constitute an essential ingredient of the whole, he combined all the attributes of a great mind, all the elements of a great man, a great statesman. He was even more than this: he was great among the great. He was the great man of our country."

The notice closes thus:

"A man so varied, that he seemed not one, but all mankind's epitome." *

From the Washington Union.

"Death of Silas Wright. — The sudden death of this illustrious statesman will be felt as a great and lamentable event throughout the length and breadth of our land. He died of apoplexy, at his residence in Canton, New York, on the twenty-seventh instant. He has been struck down without warning, in the splendid maturity of his great faculties, and in the midst of bright and almost boundless prospects of future usefulness and renown. In his death the democracy of our nation will mourn the loss of a statesman whose public and private life and character were alike the ornament and honor of the political system out of which they grew.

"To those — and there are many such — who hold that in a free government like ours a devotion to public affairs and to political life, as they are at present managed among us, is unfavorable to the development of the best and manliest qualities of character; to those who believe that, in a republic, a long and successful political career must harden the heart against the better and kinder sympathies of our nature, and engender an ambition at once unscrupulous, overweening and selfish; to those who tell us how hard it is for the eminent politician to keep his lips pure from guile, his heart free from strong passions, and his hands unstained by practices of corruption; to those who assure

* From the pen of ex-United States Senator John M. Niles.

us that the favor of the people must, under a democratic government, be won by fawning, and that the charms of high station are an overmatch for the strength even of the most steadfast integrity — to all such objectors against the working of our free institutions upon the characters of our public men, the life and death of Silas Wright furnish a refutation at once conclusive and sublime."

From the Washington Globe.

"Death of the Hon. Silas Wright. — *A great man has fallen!* A whole nation will mourn his decease. Mr. Wright was possessed of one of those gigantic and noble minds which commanded the love and admiration of his friends, and the unqualified respect of his political adversaries."

After giving at length an article found near the close of this chapter, prepared by the Author in 1844, the Globe adds:

"The public life and services of Mr. Wright to his country are known to the world. In every station which he has been called by his fellow-citizens to fill, he has discharged his duties with honor, unprecedented ability, and satisfactory to his constituents. We deeply deplore his loss, and regret that he has been thus early cut off, in the prime of his life and the midst of usefulness to his country and the world."

From the Troy Budget.

"The Death of Silas Wright.—At the late hour which the death of the Hon. Silas Wright, referred to in our Saturday's paper, was announced to us, we were precluded from paying that tribute of respect to his memory which the sad and calamitous visitation is calculated to inspire. Neither now have we the time or the ability to fully and faithfully portray his character, but simply to lay before our readers a feeble sketch of his private character. His political career and political history are before the world, and although it is his distinguished political relations which give nationality to his character, and render his melancholy and unexpected departure a national bereavement, yet we desire, in this solemn event to cast aside partisan feelings in this

afflicting moment, and speak of the deceased as a private citizen — as a man. The press, with one accord — with one deep and common sense of our loss — speak of him as an extraordinary, a great and good man.

"It was rarely that he would suffer neighbors to engage in litigation, or gratify their revenge, whenever and wherever he could avoid it. It was in this humble sphere that he most signally distinguished himself, and became the object of universal esteem. In his professional capacity as a lawyer, he was actuated by the same motives and swerved by the same principles. Honest and frank in all his opinions, and always correct, and what is remarkable, he was never known to lose a case. He never encouraged litigation, but on the contrary, would seek every opportunity and make every honorable exertion to unite, rather than alienate citizens and communities.

"Mr. Wright was systematic in everything — punctual to a fault in all his engagements, modest and affable in his intercourse with all, and alike to all, and was universally beloved and esteemed by all classes and by all parties. None were too poor or humble to enjoy his society, nor were there any so rich or exalted as to claim his superior attention or favor. A perfect familiarity and equality existed. He was emphatically one of the people.

"Mr. Wright was extremely familiar and plain in his address and intercourse. He was also very frugal and economical. His mode of living was extremely so; yet everything upon his table and around him was wholesome and exceedingly neat and tidy. While harvesting, his fare, particularly at noon, would consist, most generally, of a dish of bread and milk.

"The habits of Mr. Wright have repeatedly been referred to, not only in the public prints of the day, but in private conversation. The public has been so repeatedly and grossly misinformed on this point, and as those political animosities which gave origin to the floating and unfounded rumors, have now ceased, we will state the facts in relation to this matter as they really existed, and which are simply and no more nor less than that he conformed, in his early days, to established customs; but for some years past he abstained entirely from the use of intoxicating beverage. It was never true that he ever became intoxicated. These reports

have been coined and put in circulation for political effect, and it is to be deeply regretted that in many instances they have been credited. Mr. Wright's attention was frequently called to newspaper statements of this kind; and himself, as well as his neighbors of both parties, have been frequently amused at finding Mr. W. in the gutter in some neighboring city or town, while he himself was reading the intelligence in his own room. Mr. Wright lived and died a temperate man. We derive these facts from one who has known Mr. W. intimately, and has been a neighbor to him for many years.*

"Mr. Wright was a man of very fine social feelings. He was an affectionate and kind neighbor. He enjoyed the respect of, and inspired feelings of warm personal attachment in, his neighbors. His example exerted a wholesome and perceptible influence in his immediate neighborhood, and was worth a whole library of works, or a thousand sermons, for the purpose of destroying the distinctions which some of the wealthy are endeavoring to create in our land. He was a practical example. He practiced what he professed, and he professed to be a democrat."

* A clergyman formerly residing in Canton.

From the Atlas.

The Death of Silas Wright.

"Quid prius dicam solitis Parentis
Laudibus? * * * *
* * * * dubito an Catonis
Nobile letum.

"Hark! is that voice from the Angel of Death?
Sweeps the wing of the lightning the hero's last breath?
Comes that wild note of terror, St. Lawrence, from thee,
To chill the deep pulse of the host of the Free?
O' Heav'n! can it be that his spirit hath fled —
Silas Wright reft away to the realms of the dead!
When the eyes of the nation all thither were turned
To the star of the zenith whose calm glory burned
To scatter the war-cloud, and beam on the slave,
And — alas! cover up his great heart in the grave!

"But hold — keep the sod from his coffin just now —
Let us look once more on that marvellous brow!
A tenement wrought in the weird of the Past,
For the mind of a mighty one true to the last —
In the halls of the wise men its magical spell,
Like the voice of Jehovah on Sinai that fell,
Hath ruled the fierce spirits of men in their madness,
And turned their dark rage to the sunshine of gladness;
While down in the depth of his fathomless soul,
Like a pearl too deep for the winds to control,
And as warm on his lips as the kiss of a mother,
Shone fervent for all men the love of *their brother!*
Then fold ye the pall for the greatest and best —
Nature's own nobleman — lay him to rest.

"Why do you weep? — let your hearts be more stout —
There's no stain on his soul for your tears to wash out —
Strode he the war-horse with bridle all gory,

Paving with warm hearts his pathway to glory?
Little music to him was the revel of woe,
With a curse for the soul of his perishing foe!
On the face of the dying his heel never trod,
For the love of his neighbor was next to his God!
Well may ye mourn then, ye Green Mountain men,
For ye knew him in boyhood and knew him again,
When strong as the nation, yet true to his brother,
He spurned the great honor snatched away from another;
And turning his back on the councils of State,
Wrapt his mantle around him and waited his fate!

"Write it out on the heavens in letters of light,
What a Roman was he, THE MAGNANIMOUS WRIGHT!

"Oh Harp of the North! be still your wild numbers —
Let the wind bear the dirge where the Hero now slumbers!
From the fields of despair where the laborer groans,
From the plain strewn with carnage his requiem moans —
And the eagle of Freedom his flaming eye shrouds —
With a shriek he's away mid the muttering clouds —
While low droops the flag on the towering mast,
For its stars are all dim for the spirit that's past!"

Herkimer County.

From the New York Weekly Globe.

"DEATH OF THE HON. SILAS WRIGHT. — *A great man has fallen!* A whole nation will mourn his decease. Mr. WRIGHT was possessed of one of those gigantic and noble minds which commanded the love and admiration of his friends, and the unqualified respect of his political adversaries. We copy the following sketch of his character from an article published in the St. Lawrence Republican, in 1844, written by one who knew him well and long [the Author]. The writer says:

"'I first saw Mr. WRIGHT in the spring of 1820. He was then commencing the practice of the law in the village of Canton, where he now resides. I recollect this remark, then made by a shrewd farmer, that he was the first lawyer he ever saw whose law was all common sense, and that he always gave plain, sensi-

ble reasons for all his opinions upon all subjects. Soon after, he became a magistrate of the village, where his dislike to injustice and discord were clearly and strikingly illustrated. Instead of promoting and encouraging litigation, he uniformly discountenanced it and acted as a peacemaker, by inducing reconciliation in matters of contention. Such were their confidence in his advice to his neighbors, that it seldom failed to reconcile differences, and to induce them to live in peace.

"'Whatever tended to promote the substantial interests of his town was certain to receive his attention. The construction of roads and bridges, the erection of churches and public edifices, were objects that attracted his early attention, and were essentially promoted by the labor of his own hand. Until public duty called him away, he often acted as path-master in his district, and personally performed as much labor as any citizen. The competition between his and other districts, led to results still visible in his town. Whether in the affairs of his town, in his own business, or in the councils of the nation, he seems without bustle, display or confusion, to be always in the right place, doing exactly the right thing, and in the best and most suitable manner.

"'In cases of sickness, he was always the first to offer his services. I have known him to walk miles, in stormy weather, over muddy roads, to watch with the sick. No one performed this task more frequently or cheerfully. No one is more devoid of all selfishness. During my long acquaintance, I never knew him to be laying plans for pecuniary gain or personal advancement. No man has ever accused him of doing him a personal wrong or any injustice. He always fulfills his engagements, of every description, with scrupulous fidelity. The example of Mr. Wright on this, as on other subjects, has exerted a most salutary influence upon the citizens of his town, often noticed and frequently mentioned by the people from other towns. There are but few among his neighbors, of either party, who do not feel heartily proud of him, and manifest an anxiety so to act as to meet his approval. His frankness and sincerity have made impressions upon his friends and associates, which a stranger will readily notice.

"'Mr. Wright lives in a small wooden house, in no wise distinguishable from those of his neighbors. I think it cost him some $800. In all respects he lives in the same plain, simple, unostentatious style of the farmers of his town, any one of whom is always met with the cheering smiles of welcome at his hospitable threshold. In dress he is uniformly plain. At home it is not distinguishable from that of good farmers. Except for a brief period in the fall of 1834, Mr. Wright has always enjoyed the most robust health.

"'On returning from Washington he devotes his time, as far as his numerous calls will permit, to the cultivation of his garden and a small farm adjoining the village. When in the field he labors like any other farmer, in all the details of business. He is above the middling size, and of a remarkably robust constitution. His agricultural labors, I doubt not, have essentially contributed to his continued good health.

"'During my long acquaintance with him, I have never seen the least particle of irritation or any manifestation of petulance or ill temper. The most violent assaults of political enemies never disturb him. He is at all times, and on all occasions, the same calm, dignified, respectful man that he is in the Senate of the United States. An unkind word never escapes him. He wounds the feelings of no one.

"'Mr. Wright was married at Canton, in the fall of 1833, to the daughter of a gentleman in whose family he had always boarded when there. A more attentive, kind and affectionate husband does not exist. A cross word, or even an unkind look, has never passed between him and his wife. Mr. Wright, I verily believe, has not a personal enemy in the world. He cannot be said to have any amusements, although when time permits he may sometimes be seen with fishing-rod in hand. His neighbors who chance to differ with him in politics, esteem and admire him as a man and in all the relations of a citizen, a neighbor and a friend. They feel proud of him, and sincerely rejoice at his success, and but for the strength of partisan ties would vote for him, for any office.

"'Not a respectable citizen of Canton ever speaks disrespectfully or unkindly of him. When he returns from Congress you

will see the aged and the young, the rich and the poor, flocking to see him and welcome him home — to congratulate him and to communicate their good wishes and prayers for his prosperity and happiness. Bonaparte was never more beloved by his soldiers, than is Mr. Wright by his neighbors; with them he is the standard of perfection. Their good opinion is fast spreading over the land, and in due time his private virtues as well as his public fame will be cherished in the nation, as they are now in Canton and St. Lawrence." '*

These citations might be extended so as to fill a volume. Those given will sufficiently show the feelings of the people of the country, and the mode of expressing them, through the public press. Each writer sought to present the views he entertained of the public and private character of Mr. Wright, and the prominent considerations which had especially attracted his attention. They all agreed concerning his talents, integrity and unselfish motives, and in the purity of his private and public life, and that his character, in all respects, was without stain or reproach.

*This description of Mr. Wright was literally true, and being widely copied over the country essentially contributed to his election to the office of Governor, and arrested the attention of the people in all parts of the Union to him as a private citizen — as a man at home — and turned the thoughts of his political friends toward him as a safe man to be intrusted with the presidency. On his death it was extensively copied in public journals in different parts of the country, as conveying a just tribute to his merits as a citizen, showing the people the extent of the loss our country had sustained in his death. Before the publication of this article, his high standing as a statesman and his official incorruptibility were universally known; but his character and standing at home among his immediate neighbors and at his own fireside, had never been embodied and made public so as to be read and understood by the American people. It truthfully told them what they wished to know concerning him.

CHAPTER CLX.

THE WEYBRIDGE MONUMENT.

Among the tributes to the memory of Mr. WRIGHT was a monument erected at Weybridge, Vermont, where he had resided with his father from infancy to manhood. It was located near the school-house, and on the spot where the church stood in which he and his parents had worshiped. Funds for the erection of this structure were raised in Weybridge and vicinity, and placed under the management of Solomon W. Jewett and Samuel O Wright, and Samuel S. Phelps, as a committee. The location selected is elevated and sightly, affording a fine view of a large number — it is said forty — of towns. The monument consists of a white marble slab, twenty-eight feet high, three feet square at the base and seventeen inches at the top. It rests on a base four feet square, and a sub-base eight feet square at the bottom and five feet at the top.

In one side of this monument is an accurate medallion bust of Mr. WRIGHT, executed by E. D. Palmer, of Albany, N. Y. The inscription is both simple and appropriate — "SILAS WRIGHT."

An engraving showing the school-house, church and monument, will be found at the commencement of this volume.

Public ceremonies marked the final completion of this testimonial to the worth of this distinguished citizen. An immense concourse of people, and some from great distances, were present. Many distinguished citizens attended, and some upon special invitation, and among others, ex-President Van Buren and Gen. John E. Wool,

both of whom addressed the multitude assembled there. Gov. William Slade, of Middlebury, Vermont, also addressed them. The following is a sketch of his remarks, made on the 27th of August, 1850:

Remarks of Gov. Slade.

"Fellow-citizens: The call on me to preside upon this occasion has taken me wholly by surprise. I had not the slightest thought, when I came here, of occupying any other position than that of a silent listener. I need hardly say, therefore, that I find myself wholly unprepared to open the exercises of so great an occasion — great, whether I consider the character of the vast assemblage which is before me, or of the distinguished individual whose memory we have come here to honor.

"I look upon this assembly, and up to this monument, with emotions to which it is difficult to give utterance. Behind me is this beautiful shaft, sacred to the memory of our distinguished friend, of the leading trait in whose character its severe simplicity is a true and striking emblem, while the vast assemblage which surrounds it presents a living exemplification of the same character. The cold marble and these living, speaking countenances alike utter a eulogy most fitting and appropriate to this occasion. It would be in happy harmony with the true spirit of the occasion, and most emphatically with the spirit of the lamented dead, were the whole ceremony to consist in the laying of the cap-stone, followed by a survey of the monument, until we could gather into our minds all the elements of its *great idea*, and then the raising of our hearts in silent adoration of the Being by whose inscrutable Providence our friend was suddenly cut down, in mid-life and his usefulness. Such a silence would speak a language more impressive than anything the voice can utter; and yet the heart seeks an audible utterance, and the accustomed proprieties of occasions like this demand it.

"It is no idle curiosity that has brought together this vast assembly. Its gathering is a grateful and spontaneous tribute of popular affection. *The people* are here — the people of whom Silas Wright was emphatically one. These old neighbors and friends knew him and loved him. They saw him in his boyhood —

simple, modest, unpretending; and they marked the development of these traits of his character, as they grew with the growth of his great intellect, and became the peculiar grace and ornament of his matured and vigorous manhood. There was a truly republican simplicity in him, which attracted all hearts. He mingled freely with all — not with an air of *condescension*, but in the spirit of fraternal, unaffected good will. He recognized in every man a brother, and felt that there was something in his essential manhood far above and beyond the accident of birth or station, or worldly possessions, that was worthy of regard.

"To all this he was trained in early life. He had a plain and humble, yet virtuous home. He imbibed its spirit and grew up under its influence. And he was reared among a people of a congenial spirit. It will forever be to the honor of Weybridge that her social, moral and political influences so largely contributed to mould the character of the future man and statesman. He could hardly have gone to a better school, and there could not have been a better scholar. Weybridge turns out to-day to honor the memory of a man who was, emphatically, one of her own children.

"There was one influence here which deserves special notice. It was the influence of the sanctuary, which long stood upon the very ground where we are now gathered. Thither the feet of young Wright were early led. Here he imbibed the veneration for the Sabbath, for the sanctuary, for the Bible, and for the sacred ministry, which were strongly manifested in his subsequent life. His liberal gifts for a place of worship, and his generous support of and uniform attendance upon that worship, in the place of his subsequent residence, attested how deep and abiding were the influences that gathered around him at the fireside of his childhood, and in the sanctuary which stood upon this now doubly consecrated ground.

"I differed from our friend politically; that is, so far as party measures were concerned. But if I knew his heart and my own, they were in unison upon great fundamental principles. The merit of an honest conviction that the measures he advocated were best suited to carry out those principles, I most cheerfully award to him; while the dignity, propriety, courtesy, kindness

and entire freedom from asperity with which he differed from his opponents, and firmly maintained his principles, were worthy of all imitation. I honor him for this, and I honor him for his talents; but most of all, for his republican simplicity — for his deep and strong sympathy with the masses, and for his honest and earnest devotion to their interests."

Remarks of ex-President Van Buren.

Mr. Van Buren returned his thanks to the assemblage for the kind and complimentary notice they had been pleased to take of his appearance amongst them.

"General Wool," he continued, "who had been very properly selected to apply the finishing hand to the noble and imperishable fabric raised to perpetuate the exalted opinion entertained by the cotemporaries of the great and good man, whose benevolent features would forever live in the sculptured marble that adorned its base, had informed the meeting that untoward circumstances had prevented the attendance of the friend who was to be the orator of the occasion. What was expected at the hands of an absent friend, had, to a great extent, been very successfully performed by Gen. Wool. His notice of the conduct and character of Mr. Wright, and of his enduring claims upon the respect and gratitude of his countrymen, had been, in a high degree, gratifying to Mr. Van Buren. He could not, he said, be mistaken in believing that it had been no less gratifying to this vast assemblage of citizens, who, under the impulse of feelings that ennobled human nature, had been drawn from various and remote quarters, to bear their tributes of admiration, gratitude and honor to this spot consecrated by patriotism. Mr. Van Buren felt it an honor to be one of that number. It was his settled purpose, but just now repeated to those around him, that however deeply he might be interested, he would yet be but a silent observer of the exciting scene before them. He was well advised that ample justice would be done to the general character and conduct of Mr. Wright, by Gen. Wool; and he did not anticipate the occurrence which, by blending his name with the proceedings, had, perhaps, made it his duty to say

something in reference to his relations to the eminent man, the object of this imposing commemoration.

"The relations, political and social, which had existed between himself and their deceased friend, had been of a character, of which the sympathies of the occasion had almost disqualified him to speak. They had commenced at the first moment of Mr. Wright's entrance upon public life, and continued without the shadow of an interruption, throughout his brilliant and eventful career. During this long intimacy, embracing a quarter of a century, they had taken active parts, and assumed responsibilities, jointly as well as separately, in the support of and opposition to public measures of, perhaps, as grave and interesting a character as any which can occur in the management of public affairs. He felt assured that no relations in life, or other circumstances, could have increased the force or added to the sincerity of the private friendship and reciprocal confidence in regard to public affairs, that existed between them. Mr. Van Buren could say, with perfect truth, that he had never, during the period referred to, taken part in an important public question, in respect to which his deceased friend, if an opportunity to do so was presented, had not been made as conversant with his, Mr. Van Buren's, views, his hopes and his fears, as he was himself. How faithfully and sincerely this confidence had been reciprocated, he had the satisfaction to know, from a thousand evidences, of which he would cherish a grateful recollection throughout the remnant of his life.

"It had been his fortune, he said, in the course of his public life, to become acquainted with most of the eminent statesmen of his day. The best opportunities had been afforded him, to form a judgment of their character and capacities. With such means for the formation of an estimate, and speaking for himself only, he had no hesitation in saying, that he had never known a public man of a purer heart, a sounder head, or a more disinterested spirit than was possessed by Mr. Wright. Of the eminent public men who had been lost to their country, there had not, in his opinion, been one who had, at so early a period of his life, won such enduring honors in her civil service. He would add, also, in justice to the memory of one, whom it had been the

pride — he might say, the *glory* of his life — to rank among the nearest and dearest of his friends, his conviction that, in one respect, at least, he excelled all his cotemporaries. He alluded, he said, to the spirit with which he yielded himself, body and soul, to the public service, without a passing thought of the effect upon himself which might flow from his public acts.

"Upon the character of his friendship, Mr. Van Buren dared not allow himself to dwell. But he must say that no public man had ever possessed a truer, or a better, or a more disinterested friend than he had in Mr. Wright. History did not, he said, afford stronger instances of the force and stability of private friendship than Mr. Wright had exhibited in relation to himself. He had not only been induced by this devoted feeling to decline the nomination of Vice-President of the United States, referred to by Gen. Wool, but also to refuse peremptorily to allow himself to be nominated for the presidency itself; which was, in effect, the *declension* of these high stations, as the result of the election demonstrated. To feelings of a kindred character was also to be traced his refusal to accept the office of Judge of the Supreme Court of the United States, which was offered to him by Mr. Tyler, and was the place which it would have been more agreeable to him to occupy than any other in the gift of the government or the people. To place this persevering self-denial on the part of Mr. Wright in the light in which it deserves to be viewed, it should be added, that it was in opposition to the declared and well understood wishes of Mr. Van Buren himself.

"Mr. Van Buren concluded with an expression of the satisfaction he derived from this impressive and enduring demonstration of the gratitude and respect of the people, for the character and public services of his illustrious friend."

CHAPTER CLXI.

CONCLUSION.

We have traced SILAS WRIGHT from his birthplace, at Amherst, in Massachusetts, to his childhood in Weybridge, Vermont, his boyhood in Middlebury College, his studentship at law at Sandy Hill, New York, his location at Canton, St. Lawrence county, his early professional career, his acceptance of subordinate offices, his election and career as a State Senator, his election and service in Congress, as a representative of St. Lawrence, Jefferson, Lewis and Oswego, his re-election, his appointment, reappointment and services as Comptroller of the State, his election and re-elections and services as United States Senator, his election as Governor, and subsequent defeat, his last illness, death and final resting-place at Canton, and the proceedings and remarks upon his memory, and the monuments erected to perpetuate it to future generations.

We have shown him to be truthful, honest and unselfish. The evidence is that he sympathised with all deserving sympathy; was kind-hearted to all, and faithful in his friendships; was devoted, heart and soul, to the principles of the democratic party and sound principles of financial policy, State and national, and cheerfully sacrificed himself in their support and maintenance, and without a murmur fell a victim to treachery, mainly instigated by political aspirants in his own party. The voice of legislative bodies and the impulses manifested by the press and American people, show how profoundly his loss was regretted.

We have shown him to be without guile and pure,

and with a perfectly well balanced mind; talents unsurpassed, still with manners and actions characterised by the directness and simplicity of children. No one in public life was more sincerely beloved or profoundly respected — from children to old age — or had fewer faults, if any, or more virtues, or who could more appropriately bear the name conferred by Col. Benton — "The Cato of America."

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